

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


☒ Resolution or Ordinance (Blue) ☐ Waiver of First Requested
☐ Recommendations of Boards, Commissions & Committees (Green)
☐ Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : December 28, 2021 **(BOT) Date:** January 6, 2022

SUBJECT: PC 21-26; Text Amendment to the Zoning Ordinance

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, is requesting text amendments to Sections 155.205(A)(1)(e) of the Lombard Code of Ordinances, and any other relevant sections for clarity regarding fences in the clear line of sight adjacent to alleys only in residential districts.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the January 6, 2022 Board of Trustees consent agenda.

Fiscal Impact/Funding Source:

Review (as necessary):


Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: January 6, 2022

SUBJECT: **PC 21-26; Text Amendment to the Zoning Ordinance - Fences**

Please find the following items for Village Board consideration as part of the January 6, 2022 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 21-26; and
3. An Ordinance granting approval of the text amendments of the Lombard Zoning Ordinance.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the January 6, 2022 Board of Trustees consent agenda.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

January 6, 2022

Village President
Keith T. Giagnorio

Village Clerk
Liz Brezinski

Trustees

Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Dan Militello, Dist. 5
Bob Bachner, Dist. 6

Village Manager
Scott R. Niehaus

*"Our shared **Vision** for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The **Mission** of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 21-26; Text Amendment to the Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, is requesting text amendments to Sections 155.205(A)(1)(e) of the Lombard Code of Ordinances, and any other relevant sections for clarity regarding fences in the clear line of sight adjacent to alleys only in residential districts.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 20, 2021. Sworn in to present the petition was Anna Papke, Senior Planner.

Acting Chairperson Sweetser read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, she proceeded with the petition.

Acting Chairperson Sweetser asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, she asked for the staff report.

Ms. Papke presented the staff report. The IDRC report for PC 21-26 was entered into the record in its entirety. Staff proposes to amend the fencing requirements as they apply to driveways that intersect with an alleyway. Currently, Village Code requires all fencing taller than two feet to be 66% open within the clear line of sight triangles around the intersection of a driveway and a right-of-way. This includes areas in rear yards of residential properties where the garage is set close to the rear lot line and takes access from an alleyway. As a result of the current regulations, some properties with alley-facing garages are

required to have open-style fencing along the rear yard adjacent to the alley.

Staff has reviewed the fence regulations and recognizes that the clear line of sight provisions are intended to address situations where driveways intersect with streets and sidewalks where neighborhood traffic is circulating. Most alleys contain limited traffic, as they serve only those properties that take access from them, and are not intended to serve cut-through traffic. Further, alleys do not contain sidewalks, and in many cases the garages themselves are already within the clear line of sight triangle. Drivers are already backing slowly out of garages due to the configuration of the garage and alleyway. Staff thus finds the requirement for an open style fence around driveways connecting to alleys to be unnecessary and burdensome on residential properties.

Staff thus recommends amending the Code to provide an exception from the clear line of sight requirements for private residential driveways that intersect with alleys. The amendment would not impact the clear line of sight requirements around intersections of driveways with streets, or of alleyways with streets; open style fencing would still be required in those areas. Staff recommended approval of the text amendment.

Acting Chairperson Sweetser asked if there were any questions or comments on the staff report. Hearing none, she opened the meeting for comments among the Commissioners.

Commissioner Johnston there were many alleys in the Village. Ms. Papke responded that there were not many alleys and referred to the exhibit with a map of all alleys in the Village within the staff report.

On a motion by Commissioner Giuliano, and a second by Commissioner Invergo, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 21-26.

Respectfully,

VILLAGE OF LOMBARD

Ruth Sweetser, Acting Chairperson
Lombard Plan Commission

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

TEXT AMENDMENTS TO THE ZONING ORDINANCE – FENCES IN CLOS OF ALLEYS

December 20, 2021

Title

PC 21-26

Petitioner

Village of Lombard

Property Location

Village-wide

Approval Sought

The petitioner, the Village of Lombard, is requesting a text amendment to Section 155.205 (A)(1)(e) of the Lombard Code of Ordinances, and any other relevant sections for clarity.

Submittals

1. Exhibit A: Fence Exhibit
2. Exhibit B: Alley Status Map

Prepared By

Tami Urish
Planner I

DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments to Sections 155.205(A)(1)(e) of the Lombard Code of Ordinances, and any other relevant sections for clarity. The proposed amendments would authorize the placement of fences within the clear line of sight (CLOS) areas of a private driveway intersecting with an alley to be solid construction and a maximum height of six (6) feet in residential zoning districts. The existing provisions restrict fences to be a minimum of 66% open construction or a maximum of two (2) feet in height and solid construction within CLOS areas of driveways.

The proposed text amendment is intended to add language that would provide an exception for driveways intersecting alleys only.

INTER-DEPARTMENTAL REVIEW**Building Division:**

The Building Division has no comments regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no comments regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed amendments to the Zoning Ordinance.

Planning Services Division:

The Village proposes to add text to Section 155.205 of the Village Code pertaining to solid construction of fences in CLOS areas of driveways intersecting with alleys only, and in residential districts only. The proposed amendments will not remove restrictions for other driveway provisions. See Exhibit A on the next page.

EXHIBIT A



Background

The Village has a history of amending its Zoning Ordinances to address evolving circumstances presented by the public or through discussions with Village representatives. Earlier this year, a text amendment was approved to allow fences in the corner side yard to be six feet in height with the exception of reverse corner lots. Many residents had cited lack of privacy as a complaint with regard to fences. To address this concern further, fences in alleys were reviewed.

Alleys essentially function as an extended driveway by allowing for one way only maneuvering for the subject properties and not considered a thoroughfare for general traffic. As garages are usually located on the lot line and are within the CLOS as vehicles housed in the garages are backing directly onto the alley. The addition of fencing perpendicular to a garage is not further impacting the sight line for other approaching vehicles or pedestrians. Unlike streets, sidewalks are not part of an alley way network.

There are approximately one hundred (100) properties adjacent to alleys in the Village and, of those, about half are single family homes. Please see Exhibit B: Alley Status Map. The other properties with apartments, duplexes or other multi-family configurations that are adjacent to alleys appear to utilize this frontage for parking spaces.

The proposed text amendment is intended to add language that allows the height of fences to be six (6) feet and solid in CLOS areas adjacent specifically to alleys only. This would not apply to the CLOS area at the intersection of alleys and streets as Exhibit A illustrates.

EXISTING & PROPOSED REGULATIONS

Staff proposes the following text amendments. Additions are denoted by **bold and underline**.

ARTICLE III. - GENERAL PROVISIONS

§ 155.205 - Fences, walls, and hedges.

(A) Fences and walls.

(1) Fences or walls in residential districts.

- (a) Fence or wall materials. Fences or walls in residential districts shall not include the use of barbed wire or other material intended to maintain security by means of bodily injury. Electrified fences shall not be permitted in residential districts. Materials for fences or walls in the clear line of sight area shall meet the requirements of subsection 155.205(A)(1)(e) of this Chapter.
- (b) Permitted locations. Fences or walls may be erected, placed, or maintained along a lot line or within a required yard on a residentially zoned property, except as otherwise restricted by subsection 155.205(A)(1)(e) of this Chapter. Fences or walls may be erected in public utility easements and drainage easements, except that fences or walls erected in said easements shall not impede drainage flow.
- (c) Permitted height.
 - (i) Fences or walls in any residential district shall not exceed six feet in height, except that where a lot in a residential district abuts railroad right-of-way or property(ies) in a business, office, or industrial district, the height of the fence or wall along the property line adjoining such railroad right-of-way or business, office, or industrial district on the residential lot may reach, but not exceed, eight feet in height.
 - (ii) Fences or walls in required front yards shall not exceed four feet in height. Fences in required front yards shall not be constructed of chain link (with or without slats).
 - (iii) Wherever the rear yard of a lot abuts the front yard of an adjacent lot, the maximum height for any fence or wall within the required rear yard shall be four feet.
 - (iv) On a through lot within the R0, R1 or R2 Single-Family Residence District that takes driveway access from the same right-of-way as both adjacent properties, the lot line opposite the access right-of-way shall be treated as a rear lot line and allowed a maximum fence height of six feet. This provision shall not apply if either of the adjacent properties takes driveway access from a right-of-way other than that accessed by the subject property.
 - (v) Maximum height, as prescribed by this section, shall be permitted to vary by up to three inches to allow for grade changes; clearance under fences for maintenance, footers or other obstacles customary to the use intended to be fenced; or reasonable human error. Fence posts or decorative finials may not cause the fence to exceed the maximum height limitation by more than three inches.
- (d) Fence installation. When fences are located in the required front yard or corner side yard, the finished or decorative side of the fence shall face the adjacent property(ies) or street.

(e) Fences or walls in the clear line of sight area. No fences or walls more than two feet in height shall be located within the clear line of sight area, as defined in § 155.802 of this Chapter, unless it meets all of the following criteria:

- (i) Fences or walls are of open construction, such as chain link without slats, wrought iron, cyclone, picket, or split rail fences.
- (ii) Fences or walls are not of solid construction, such as board on board, solid wood, brick, concrete, or chain link with slats.
- (iii) Deciduous trees around or adjacent to the fence are free of foliage and branches from ground level to eight feet above ground level. All other plant materials which are around, adjacent to, or through the fence are no greater than two feet in height.
- (iv) Supporting members are no greater than six inches in width.
- (v) **Fences adjacent to private residential driveways that intersect with an alley shall be permitted to be of solid construction.**

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards are noted below:

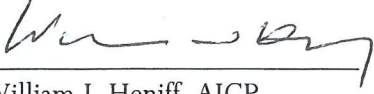
1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendments are applicable to all properties adjacent to alleys of residential properties in the Village.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendments are consistent with the objectives of the Zoning Ordinance.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
The proposed amendments will be more permissive than the existing regulations.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.
6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*
The Village has a history of amending the Zoning Ordinance to address edits for clarity. The proposed amendments are consistent with established Village policy in this regard.

FINDING & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 21-26.

Inter-Departmental Review Committee Report approved by:

A handwritten signature in black ink, appearing to read 'William J. Heniff', written over a horizontal line.

William J. Heniff, AICP
Director of Community Development

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[illegible]

ORDINANCE _____

**AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155
OF THE LOMBARD VILLAGE CODE**

PC 21-26: Text Amendments to the Zoning Ordinance:
Fences in CLOS adjacent to alleys

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on December 20, 2021, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 155, Section 155.205 of the Lombard Zoning Ordinance shall be amended to read as follows:

§ 155.205 – Fences, walls and hedges.

(A) Fences and walls.

(1) Fences or walls in residential districts.

(e) Fences or walls in the clear line of sight area. No fences or walls more than two feet in height shall be located within the clear line of sight area, as defined in § 155.802 of this Chapter, unless it meets all of the following criteria:

(i) Fences or walls are of open construction, such as chain link without slats, wrought iron, cyclone, picket, or split rail fences.

Ordinance No. _____

Re: PC 21-26

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- (ii) Fences or walls are not of solid construction, such as board on board, solid wood, brick, concrete, or chain link with slats.
- (iii) Deciduous trees around or adjacent to the fence are free of foliage and branches from ground level to eight feet above ground level. All other plant materials which are around, adjacent to, or through the fence are no greater than two feet in height.
- (iv) Supporting members are no greater than six inches in width.
- (v) **Fences adjacent to private residential driveways that intersect with an alley shall be permitted to be of solid construction.**

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2022.

First reading waived by action of the Board of Trustees this ____ day of _____, 2022.

Passed on second reading this ____ day of _____, 2022.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2022.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this ____ day of _____, 2022.

Elizabeth Brezinski, Village Clerk