	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>						
	Title:	Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding residential fences					
	Staff:	Russell Colby					
<i>Please check appropriate box:</i>							
	Government Operations				Government Services		
X	Planning & Development (8/12/13)				City Council		
Estimated Cost:	N/A		Budgeted:	YES		NO	
If NO, please explain how item will be funded:							
<b>Executive Summary:</b>							
<p>In October 2006, the City adopted new fence regulations for residential corner lots:</p> <ul style="list-style-type: none"> <li>Fences in the exterior side yard (the corner side yard) must meet the requirements for a fence in the front yard (3'6" tall max. within the yard or setback area, set 1 ft. off of sidewalk).</li> <li>In the exterior side yard, a 6'4" privacy fence may be installed at 5 ft. back from the property line along the street if landscaping is provided along the outside of the fence (1 shrub for every 5 ft. of fence).</li> <li>The same regulations apply to the rear yard of a through-lot (or double frontage lot).</li> </ul> <p>In practice, staff has encountered issues with homeowners wanting to replace an existing non-conforming privacy fence on a corner lot. In some situations, relocating the fence to comply with the current requirements may require modifications to the yard. Also, in some instances, the fence is being used to meet the building code requirements for swimming pool security, which requires a minimum height of 4 ft.</p> <p>To address this issue, staff proposes the following amendments to fence regulations in residential districts:</p> <ul style="list-style-type: none"> <li>Allow 6'4" privacy fences in exterior side yards where the adjacent yard is either an exterior side yard or a rear yard of a through lot. (The additional 5 ft. setback and landscaping would still be required if exterior side yard is adjacent to a front yard.)</li> <li>Increase the allowable height of a fence in a front yard or exterior side yard from 3'6" to 4 ft.</li> </ul> <p>Staff surveyed locations of privacy fences in exterior side yards and although they are not commonly found in all neighborhoods, the majority of the fences are installed in areas that would become conforming under the proposed amendment, typically on corners where two rear yards face each other at the end of a block.</p> <p><b>Plan Commission Recommendation:</b> The Plan Commission held a public hearing on 8/6/2013. The Plan Commission recommended approval of the petition. The vote was 7-aye to 0-nay.</p> <p>The Plan Commission discussed whether landscaping should still be required in the 1 ft. area between a fence and the sidewalk. The Commission forwarded this as a comment for the Committee to consider.</p>							
<b>Attachments:</b> <i>(please list)</i>							
Staff Report Application for General Amendment							
<b>Recommendation / Suggested Action</b> <i>(briefly explain):</i>							
Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding residential fences.							
<i>For office use only:</i>		<i>Agenda Item Number: 3a</i>					

Community Development  
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



**Staff Report**

**TO:** Chairman Dan Stellato  
and Members of the Planning and Development Committee

**FROM:** Russell Colby, Planning Division Manager

**RE:** Application for a General Amendment to Title 17 of the City Code (Zoning Ordinance)  
regarding residential fence regulations

**DATE:** July 30, 2013

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**I. GENERAL INFORMATION**

Project Name: General Amendment for Fence regulations  
Applicant: City of St. Charles  
Purpose: Modify residential fence regulations

**II. BACKGROUND**

In October 2006, the City adopted new regulations in the Zoning Ordinance for fences. The regulations introduced new requirements for residential corner lots.

Regulations enacted in 2006:

- For corner lots, fences in the exterior side yard (the corner side yard) must meet the requirements for a fence in the front yard.
  - Fence in the exterior side yard cannot exceed 3'6" within the yard (or setback area), not closer than 1 ft. from the sidewalk.
- In the exterior side yard, a 6'4" privacy fence may be installed at 5 ft. back from the property line along the street if landscaping is provided along the outside of the fence (1 shrub for every 5 ft. length of fence).
- The same regulations apply to the rear yard of a through-lot (or double frontage lot, fronting on a street in the front and back).

In practice, staff has encountered issues with homeowners wanting to replace an existing non-conforming privacy fence on a corner lot. In some situations, their yard layout or landscaping design is based on the placement of the existing fence, and relocating the fence to comply with the current requirements may require other modifications to the yard to accommodate the fence.

In some instances, the fence is being used to meet the building code requirements for swimming pool security, which requires a minimum height of 4 ft. (which is taller than the maximum 3'6" height).

### III. PROPOSAL

To address this issue, staff proposes the following amendments to fence regulations in all residential zoning districts (RE, RS, RT and RM districts):

- Allow 6’4” privacy fences in exterior side yards, only where the adjacent yard of the lot immediately next door or across an alleyway is either an exterior side yard or a rear yard of a through lot.
  - Continue to require the additional 5 ft. setback and landscaping where the exterior side yard is adjacent to a front yard.
- Increase the allowable height of a fence in a front yard or exterior side yard from 3’6” to 4 ft.
  - This is consistent with the building code requirements for swimming pool security and front yard fence heights allowed in other zoning districts.

### IV. ANALYSIS

#### Residential fence requirements in other communities

Staff surveyed nearby communities to determine how their fence requirements for front and exterior side yards compared to St. Charles. The findings are listed in the table below. The requirements in St. Charles are more permissive than surrounding communities.

	St. Charles (existing standards)	Geneva	Batavia	South Elgin
Maximum fence height in front yard	3’6”	3’6”	3’	3’
Maximum fence height in exterior side yard	3’6”	3’6”	3’	3’
Exception to allow taller fence in exterior side yard	6’4” if set back 5 ft. and landscaped with 1 shrub for every 5 ft. of fence	No	No	No

#### Corner lot fences in St. Charles

Staff surveyed locations of taller privacy fences (above 4 ft.) in exterior side yards in St. Charles. Although they are not commonly found in all neighborhoods, the majority of the fences are installed in areas that would become conforming under the proposed amendment, typically on corners where two rear yards face each other at the end of a block.

### V. DRAFT AMENDMENT

The draft amendment is attached as a marked-up version of the current ordinance provisions.

### VI. PLAN COMMISSION RECOMMENDATION

The Plan Commission will hold a public hearing to discuss this application at their 8/6/2013 meeting. This application will be placed on the meeting portion of the agenda for a vote at this meeting. Staff will include the Plan Commission’s recommendation with the meeting packet.

## **VII. RECOMMENDATION**

Staff recommends approval of the General Amendment application and has provided the attached draft Findings of Fact to support that recommendation.

## **VIII. FINDINGS OF FACT**

### APPLICATION FOR GENERAL AMENDMENT

#### **1. The consistency of the proposed amendment with the City’s Comprehensive Plan**

The amendment is consistent with the Comprehensive Plan’s goal of preserving the character of the City’s residential neighborhoods.

#### **2. The consistency of the proposed amendment with the intent and general regulations of this Title.**

This amendment is consistent with the intent of limiting the placement of privacy fences along streets for the purpose of aesthetics and preservation of neighborhood character. The proposed changes are intended to make the ordinance requirements more consistent with what exists today, without enabling privacy fences to be placed on corner lots in such a manner that they would be visually obtrusive. The amendment will also make the zoning standards more consistent with the building code requirements for swimming pool safety fences.

#### **3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change of policy.**

The amendment will create more workable requirements that reflect the existing conditions in residential neighborhoods in St. Charles.

#### **4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.**

The amendment will benefit all residential neighborhoods.

#### **5. The extent to which the proposed amendment creates non-conformities.**

The proposed amendment will significantly reduce the number of existing non-conforming fences on corner lots and enable many residential fences to be reconstructed similar to how they existed when the property was originally developed.

#### **6. The implications of the proposed amendment on all similarly zoned property in the City.**

This amendment will be applied equally across all residential zoning districts.

## PROPOSED AMENDMENT

*Note: Revisions are shown as underlined italics.*  
Changes are proposed in Table 17.22-1 and Table 17.22-2 below.

### 17.22020 Accessory Buildings and Structures

#### C. Fences and Walls

##### 1. Construction Requirements

- a. A fence or wall, including all posts, bases and other structural parts shall be located completely within the boundaries of the lot on which it is located. No fence shall be located closer than twelve (12) inches from a public sidewalk.
- b. All fences shall be erected so that the finished side of the fence faces outward, or away, from the lot on which the fence is erected, except that where a fence on a residential lot is within five feet of property containing a nonresidential use or that is zoned for a nonresidential use, any part of the fence that satisfies this condition may be erected so that the finished side faces inward on the residential lot.
- c. All metal fences shall be at least nine (9) gauge wire or a minimum of .148 inch diameter wire.
- d. In residential districts, chain link and woven wire fences are prohibited in front yards and exterior side yards. If located in a rear yard in a residential district, chain link and woven wire fences are prohibited within twenty (20) feet of any right of way line.
- e. Barbed wire, razor wire and fences of similar material are permitted only in the BC, BR, M1, M2 and PL Districts.

##### 2. Maintenance

All fences shall be maintained in good condition at all times by the owner and/or occupant of the property. If a fence is found to be in a deteriorated condition and/or in need of repair, the Building Commissioner may order the fence to be repaired, replaced or removed depending upon the condition of the fence. Such order shall be in writing.

##### 3. Height Requirements

All fences shall comply with the height requirements listed in Table 17.22-1 (Maximum Allowable Fence Height), except as provided in Table 17.22-2 (Fence Height Exceptions).

TABLE 17.22-1				
MAXIMUM ALLOWABLE FENCE HEIGHT BY ZONING DISTRICT				
Fence Location	RE, RS, RT and RM Districts	BL, BC, BR, and OR Districts	CBD-1 and CBD-2 Districts	M-1, M-2 and PL Districts
In Required Front Yard	<del>3 feet, 6 inches</del> <u>4 feet</u>	6 feet, 4 inches	4 feet	4 feet
In Required Rear Yard	6 feet, 4 inches	8 feet	6 feet, 4 inches	15 feet
In Required Exterior Side Yard and Required Rear Yard of Through Lot	<del>3 feet, 6 inches</del> <i>Adjacent to a front yard on the adjoining lot: 4 ft. (See also Fence Height exceptions Table 17.22-2)</i> <i>Adjacent to an exterior side yard, rear yard, or rear yard of a through lot on the adjoining lot: 6 ft., 4 inches</i>	6 feet, 4 inches	4 feet	4 feet
In Required Interior Side Yard	6 feet, 4 inches	8 feet	6 feet, 4 inches	15 feet
In Buildable Area of Lot	6 feet, 4 inches	8 feet	6 feet, 4 inches	15 feet
Sight Triangle	All Fences are subject to the sight triangle requirements of Section 17.22.010 (G).			

TABLE 17.22-2 FENCE HEIGHT EXCEPTIONS		
Exception	Maximum Allowable Fence Heights	Where Exception Applies
Fences within 40 feet of the right of way of major arterials.	4 feet or less (except where the provisions of this Title are more restrictive)	Any lot abutting Main Street (Illinois Route 64), Randall Road and Kirk Road
Fences in exterior side yards and in the rear yard of through lots <i>that are adjacent to a front yard on the adjoining lot</i> : Where the fence is set back from the right of way line a minimum of 5 feet and the area between the fence and the right of way line is landscaped with at minimum one shrub for every 5 feet of fence length. The landscaping design may be flexible in its arrangement by grouping plant materials and providing open areas around gates or other fence openings	6 feet 4 inches	Residential Districts
Fences on lots in residential districts abutting a nonresidential use or vacant property zoned for nonresidential use	Interior side and rear yards only: (8) feet; may be higher than 8 feet where required by topographic conditions to provide screening between a 6 ft. high person standing in the first floor of the residence and a 6 ft. high person standing in the parking area of the nonresidential use, but in no case more than ten (10) feet	Residential Districts
For tennis courts: shall be erected not less than 5 feet from a lot line and the finished side of the fence shall face outward or away from the lot on which the fence is erected	12 feet in all yards; open fences only	All Districts
Swimming Pools	In accordance with St. Charles Municipal Code requirements as set forth in Title 15	All Districts
Public or private utility facility (for security or screening purposes)	15 feet in all yards	All Districts
Public or private school, public park land, other publicly owned land, or golf course/driving range	15 feet in any yard; 25 feet for backstops located on ball fields	All Districts

# Yard Diagram



Exterior Side Yard next to Front Yard: 6' privacy fence must be set back at least 5 ft. and landscaped



Front

Front

1461

1473

Interior Lot

Corner Lot

Exterior Side

Interior Lot

710

Front

Front

Front

1505

1515

Exterior Side

Corner Lot

Interior Lot

Front

715

Interior Lot





Front

Corner Lot

250

Exterior Side

Corner Lot

337

Exterior Side

Front

Oak St

Exterior Side

Front

302

Corner Lot

Exterior Side

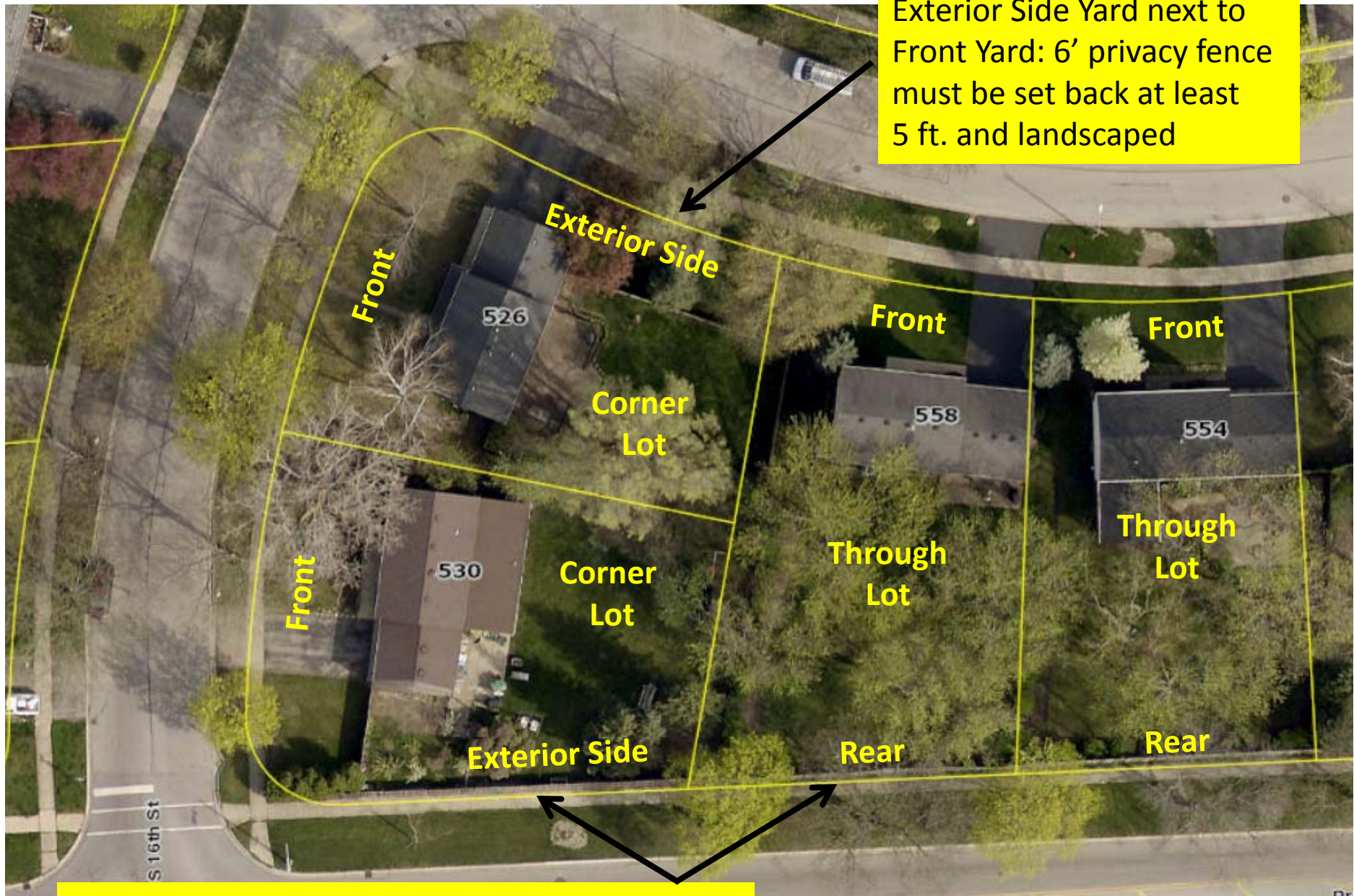
Corner Lot

401

Front

Exterior Side Yard next to Exterior Side Yard: No setback required For 6 ft. privacy fence

Exterior Side Yard next to Front Yard: 6' privacy fence must be set back at least 5 ft. and landscaped



Exterior Side Yard next to Rear Yard of Through Lot- No setback required.

**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**GENERAL AMENDMENT APPLICATION**

RECEIVED  
Received Date  
St. Charles, IL  
  
JUL 17 2013  
  
CDD  
Planning Division

<b>CITYVIEW</b>	
Project Name:	<u>G.A. - Fences</u>
Project Number:	<u>2013 -PR- 011</u>
Application Number:	<u>2013 -AP- 020</u>

*Instructions:*

To request an amendment to the text of the St. Charles Zoning Ordinance, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

<b>1. Applicant:</b>	Name	City of St. Charles	Phone	630-377-4443
	Address	2 E. Main St. St. Charles, IL 60174	Fax	630-377-4062
			Email	rcolby@stcharlesil.gov
<b>2. Billing:</b> <i>Who is responsible for paying application fees and reimbursements?</i>	Name	Same	Phone	
	Address		Fax	
			Email	

**Attachment Checklist**

- APPLICATION:** Completed application form
- APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- WORDING OF THE REQUESTED TEXT AMENDMENT**  
One (1) copy of Proposed Amendment (Letter Sized) and one (1) Electronic Microsoft Word version on CD-ROM

**Requested Text Amendment**

To amend Section(s) 17.22.020.C of the St. Charles Zoning Ordinance. The wording of the proposed amendment is: (attach sheets if necessary)

Regulations for fences and walls - for corner lots &  
swimming pools

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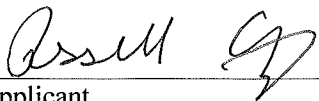
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**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

 7/16/13  
Applicant Date