

## **ORDINANCE NO. 11-O-0025**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – APPENDIX A SECTIONS 4.1 AND 7.1(C) OF THE ZONING CODE**

WHEREAS, the City of West Chicago (the “APPLICANT”) proposed an amendment to Section 4.1 of the Zoning Code, Appendix A of the Code of Ordinances of the City of West Chicago, so as to amend the definitions for the various front, side and rear yards and create a definition for a visibility triangle; and,

WHEREAS, the City of West Chicago also proposed an amendment to Section 7.1(C) of the Zoning Code, Appendix A of the Code of Ordinances of the City of West Chicago, so as to amend the regulations regarding fences; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on or about April 18, 2011, all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on Tuesday, May 3, 2011, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of its application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No. 11-RC-0008, a copy of which is attached hereto as Exhibit “A” which is, by this reference, made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

Section 1. That the City Council adopts the following findings of fact based upon the standards set forth in Section 5.6 of the Zoning Ordinance:

The proposed text amendments will not have a negative impact on the health, safety and welfare of the community because the proposed amendments will better clarify the various yard definitions and better regulate corner side yard fences by requiring a visibility triangle when a fence is adjacent to the intersection of improved rights-of-way.

Section 2. That Appendix A, Section 4.1 of the Code of Ordinances of the City of West Chicago entitled “Construction of terms” is hereby amended by adding the following definition in alphabetical order:

*“Visibility triangle: The area on a lot bound by imaginary lines measured to points twenty-five (25) feet from the intersection of and parallel to any right-of-way lines improved with a street or alley with a third line connecting said points.”*

Section 3. That Appendix A, Section 4.1 of the Code of Ordinances of the City of West Chicago entitled “Construction of terms” is hereby amended by deleting the following definitions in their entirety and replacing them with the following definitions:

*"Yard, actual corner side: A yard that is bounded by the actual front yard, rear lot line, side of the principal structure and any right-of-way excluding an alley.*

*Yard, actual front: A yard that is bounded by the side lot lines, front lot line and front of the principal structure.*

*Yard, actual interior side: A yard that is bounded by the actual front yard, actual rear yard, side lot line and the side of the principal structure.*

*Yard, actual rear: A yard that is bounded by the actual corner side yard, interior side lot lines, rear lot line and the rear of the principal structure.*

*Yard, required corner side: A yard that is bounded by the required front yard, rear lot line, required corner side yard setback line and any public right-of-way excluding an alley.*

*Yard, required front: A yard that is bounded by the side lot lines, front lot line and the required front yard setback line.*

*Yard, required interior side: A yard that is bounded by the required front yard, the required rear yard, the side lot line, the required side yard setback line, and is not adjacent to any public right-of-way other than an alley.*

*Yard, required rear: A yard that is bounded by the required corner side yard, interior side lot line, rear lot line and the required rear yard setback line. "*

Section 4. That Appendix A, Section 7.1(C) of the Code of Ordinances of the City of West Chicago entitled “District regulations” is hereby deleted in its entirety and replaced with the following language:

"(C) District regulations:

(1) Residential Districts

- a. Only decorative fences shall be permitted in actual front yards and shall not exceed four (4) feet in height, except within a visibility triangle.
- b. Fences shall be permitted in interior and corner side yards, provided that the fence does not extend beyond the front line of the building or structure and shall not exceed six (6) feet in height, except within a visibility triangle.

- c. Fences shall be permitted in rear yards and shall not exceed six (6) feet in height, except within a visibility triangle or in a rear yard extending along any state highway or railroad right-of-way, in which case the fence shall not exceed eight (8) feet in height.
- d. Privacy fences immediately adjacent to patios or first floor decks shall not exceed six (6) feet in height, as measured from the top of the patio or deck. A privacy fence immediately adjacent to a deck other than a first floor deck shall not exceed five (5) feet in height, as measured from the top of the deck. Said privacy fences shall not exceed a total of ten (10) lineal feet and shall not require a permit.
- e. Fences within a front yard visibility triangle shall not exceed three (3) feet in height. Fences within a corner side yard visibility triangle shall not exceed four (4) feet in height.

(2) Commercial and manufacturing districts

- a. Fences shall be permitted in interior side yards, corner side yards and rear yards and shall not exceed eight (8) feet in height, except within a visibility triangle.
- b. Fences shall be permitted in actual front yards and shall not exceed four (4) feet in height in commercially zoned districts and six (6) feet in height in manufacturing zoned districts, except within a visibility triangle.
- c. Fences within a front yard visibility triangle shall not exceed three (3) feet in height. Fences within a corner side yard visibility triangle shall not exceed four (4) feet in height."

Section 5. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 6. That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_ 2011.

Alderman L. Chassee	_____	Alderman J. Beifuss	_____
Alderman H.R. Monroe	_____	Alderman J. Smith	_____
Alderman R. Radkiewicz	_____	Alderman R. Pineda	_____
Alderman S. Dimas	_____	Alderman J. Smith, Jr.	_____
Alderman K. Meissner	_____	Alderman N. Connelly	_____
Alderman R. Stout	_____	Alderman N. Dzierzanowski	_____
Alderman M. Fuesting	_____	Alderman A. Murphy	_____
Mayor Kwasman	_____		

APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
Mayor, Michael B. Kwasman

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy M. Smith

PUBLISHED: \_\_\_\_\_

**EXHIBIT “A”**  
RECOMMENDATION # 11-RC-0008  
ORDINANCE 11-O-0025

TO: The Honorable Mayor and City Council

SUBJECT: PC 11-08  
Definitions and Fences Text Amendments

DATE: May 3, 2011

DECISION: The motion to approve the request was denied by a (0-6) vote.

After review of the proposed text amendment as presented, the Plan Commission/Zoning Board of Appeals finds that it does pose a threat to the health, safety and welfare of the community. It is the Commission’s opinion that the proposed text amendments relating to the height and style of a fence corner side yard are not in the best and safest interests of the City and its residents. The Commission is of the opinion that fences in the corner side yard should be limited to a maximum height of four (4) feet and should be only decorative in nature to be consistent with the existing fence requirements for a front yard.

Respectfully submitted,

Erik Van-der-Mey  
Vice Chairman

**VOTE:**

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
	E. Van-der-May		B. Laimins
	J. Warbiany		
	J. Boyer		
	R. Mireault		
	J. Posadzy		
	F. Lannes		