

CITY OF PARK RIDGE

ORDINANCE NO. 2024- 75

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PARK RIDGE
REGARDING FENCE HEIGHT (ZA-24-0009)**

WHEREAS, the City of Park Ridge is an Illinois home rule municipality operating under the Constitution and Laws of the State of Illinois; and

WHEREAS, pursuant to its home rule powers, the City has enacted zoning regulations that have been codified as the Zoning Ordinance of the City of Park Ridge (“Zoning Ordinance”); and

WHEREAS, in accordance with Section 4.8 of the Zoning Ordinance, the City of Park Ridge applied for a text amendment to Section 11.4 of the Zoning Ordinance to amend requirements for fence height (the “Amendment Application”); and

WHEREAS, pursuant to legal notice required by law, including notice in the Park Ridge Herald Advocate on November 21, 2024, a public hearing on the Amendment Application was convened by the Planning and Zoning Commission (“P&Z”) on December 10, 2024; and

WHEREAS, upon conclusion of the public hearing, the P&Z voted 9-0 to adopt findings of fact and recommend to the City Council approval of the Amendment Application; and

WHEREAS, the City Council has duly considered the findings and recommendation of the P&Z and finds and determines that it is in the best interests of the City and its residents to amend the Zoning Ordinance, as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

SECTION 1: Recitals. The recitals set forth above are the City Council’s legislative findings and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2: Findings. The City Council of the City of Park Ridge hereby adopts the findings of the P&Z as contained in **Exhibit A** to this ordinance.

SECTION 3: Amendment to Section 11.4. Section 11.4 of the Zoning Ordinance is amended as follows (**bold double-underlined text** to be added; ~~struck-through text~~ to be deleted; omitted language is not intended to be amended):

“SECTION 11.4 – ACCESSORY BUILDINGS, STRUCTURES AND USES

(e) Fences.

(2) Fences in Residential Districts

a. Fences are prohibited in the front yard.

b. Fences in residential districts may be erected to a height of **six feet (6)** ~~five feet, two inches (5'-2")~~ in any interior side ~~or rear or corner side~~ yard of an interior or corner lot, except for the following:

i. **In the case of a corner lot, a fence may be erected to a height of five (5) feet along the corner side yard.**

ii. In the case of a reverse corner lot, open fences may be erected to a height of four (4) feet along any **reverse** corner side yard.

~~ii. Where a residential lot backs up to a major thoroughfare, a fence may be erected to a height of six (6) feet along the rear lot line.~~

iii. Where a property abuts a railroad right-of-way, a fence may be erected to a height of seven (7) feet. However, where the right-of-way is below grade level, the maximum height of the fence shall not exceed the difference between seven (7) feet and the depth of the depression below grade, or five (5) feet, whichever is more.

~~iv. Where a property abuts an alley, a fence may be erected to a height of five and one-half (5½) feet.~~

~~v. Where a property abuts any property zoned and used for a commercial use or a parking lot, a fence may be erected to a height of six (6) feet in the rear, interior side or corner side yards.~~

~~vi. Where a fence is constructed to screen a patio that does not exceed twenty-five (25) feet in length, that fence may be erected to a height of six (6) feet but must be located within three (3) feet from the patio being screened. In addition, only one (1) patio per lot may be screened with a six (6) foot fence.~~

iv. vii. Where a fence is constructed on a deck, that fence may be erected to a height of five (5) feet.

Adopted by the City Council of the City of Park Ridge, Illinois this ____ day of _____, 2024.

VOTE:

AYES: _____

NAYS: _____

ABSENT: _____

Approved by me this _____ day of _____, 2024.

Marty Maloney, Mayor

Attest: _____, City Clerk

Exhibit A to
**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PARK RIDGE
REGARDING FENCE HEIGHT (ZA-24-0009)**
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BEFORE THE PLANNING AND ZONING COMMISSION
Park Ridge, Illinois

In the Matter of
Text Amendments to Section 6
(Regarding Fence Height)

Case No. ZA-24-0009

FINDINGS OF FACT

This matter having come before the Planning and Zoning Commission for a hearing for text amendments to Section 11 of the Zoning Ordinance regarding fence height; the Commission having held a public hearing on December 10, 2024 with due notice published in the *Park Ridge Herald Advocate* on November 21, 2024 as required by law; and having heard evidence on the matter, based on the evidence presented, as reflected in the minutes of these proceedings, and for the reasons indicated in the minutes of this Commission in this case, the Planning and Zoning Commission finds that the following facts have been established based on the standards set forth in the Zoning Ordinance:

1. The extent to which the proposed amendments promote the public health, safety, comfort and convenience and general welfare of the City.

The proposed amendment promotes the public health, safety, comfort and convenience and general welfare of the City by allowing additional fence height on residential properties.

2. The relative gain to the public, as compared to the hardship imposed upon the applicant.

The relative gain to the public is additional fence height on residentially zoned properties. The proposed amendments aid in alleviating variance applications imposed on residential properties requesting six (6) foot high fences. The City is the applicant and as such no hardship is imposed.

3. The consistency of the proposed amendments with the Comprehensive Plan.

N/A

4. The consistency of the proposed amendments with the intent and general regulations of this Ordinance.

The proposed amendments are consistent with the intent and general regulations of this Ordinance.

Exhibit A to
**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PARK RIDGE
REGARDING FENCE HEIGHT (ZA-24-0009)**
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5. Whether the proposed amendments correct an error or omission, adds clarification to existing requirements, or reflects a change in policy.

The proposed amendments reflect a change in policy regarding the review of fence height in residential districts.

6. That the proposed amendments will benefit the residents of the City as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.

The proposed amendments benefit the residents of the City as a whole by providing an increase in fence height. The additional fence height alleviates variance requests for taller fences and allow for more efficient reviews of these requests.

7. Whether the proposed amendments provide a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.

The proposed amendments provide a more workable way to achieve the intent and purposes of this Ordinance by providing an increase in the maximum allowed residential fence height.

8. The extent to which the proposed amendments creates nonconformities.

The proposed amendment parcels out corner lots as not seen in the previous code language. However, the height limitation emulates the intent of the previous height requirement and better reflects industry standards.

9. The extent to which the proposed amendments are consistent with the overall structure and organization of this Ordinance.

The proposed amendments are consistent with the structure and organization of this Ordinance.



12/10/2024
Date Approved

Jim Hanlon, Chair



Date: December 10, 2024
To: Planning & Zoning Commission (P&Z)
From: Claudia Hampel, Planner II
Thru: Drew Awsumb, AICP, Director of Community Preservation & Development (CP&D)
Subject: ZA-24-0009: Zoning Text Amendment Regarding Fence Height

Summary

The City Council at a September Committee of the Whole meeting discussed current fence regulations. This conversation was initiated due to the number of variance cases the Zoning Board of Appeals has received in recent years for fences. The cases in recent years have been for six (6) foot tall fences on residential properties in excess to the currently permitted five (5) feet two (2) inches. There are some exceptions to this height limit, noted in further detail below. During these discussions, the City Council asked staff to pursue a text amendment to review and amend the maximum fence height in residential districts.

Considerations

Currently, [Section 11.4](#) provides regulations for the maximum fence height on residential and non-residential properties. The current maximum fence height in residential districts is five (5) feet two (2) inches with exceptions for reverse corner side yards, major thoroughfares, railroad right-of-way, commercially zoned and used properties, alleys, patios and decks.

City Council's request to staff was to review and propose amendments to the Code regarding the maximum fence height. The Council requested staff amend the maximum height to be six (6) feet in residential districts, but to also review the Code to ensure cohesive implementation.

In making this amendment, there are a number of the exceptions noted above that are no longer relevant as they were exceptions for less than or equal to six (6) feet tall fencing. The exceptions for major thoroughfares, alleys, commercially zoned and used properties, and patios are proposed to be eliminated.

Staff is proposing a discussion regarding fencing in corner side yards. Currently, the Code allows a fence to be erected to five (5) feet two (2) inches in corner side yards. Staff would like Commission feedback whether it is applicable to allow fences to be six (6) feet tall in these yards, which would mirror the existing regulations, or rather if the fence height should be five (5) feet. The crux of the conversation is the potential domino effect of creating "street walls" with six (6) foot tall fencing on corner lots.

The attached redline version reflects the above example with a maximum fence height of five (5) feet in corner side yards.

The Council did not provide guidance on the exceptions for reverse corner side yards, railroad right-of-way, or decks. At this time staff is not proposing any changes to those exceptions.

The Commission may discuss and recommend additional changes outside of the attached redlined version.

Motion

"I motion the Planning and Zoning Commission to recommend amendments to the Zoning Ordinance as per the attached draft amendments and as modified herein by the Planning and Zoning Commission."

Notes or Proposed Edits:

Attachments:

- Findings of Fact for a Text Amendment
- Draft Amendments for Section 11

BEFORE THE PLANNING AND ZONING COMMISSION
Park Ridge, Illinois

In the Matter of
Text Amendments to Section 6
(Regarding Fence Height)

Case No. ZA-24-0009

FINDINGS OF FACT

This matter having come before the Planning and Zoning Commission for a hearing for text amendments to Section 11 of the Zoning Ordinance regarding fence height; the Commission having held a public hearing on November 21, 2024 with due notice published in the *Park Ridge Herald Advocate* on December 10, 2024 as required by law; and having heard evidence on the matter, based on the evidence presented, as reflected in the minutes of these proceedings, and for the reasons indicated in the minutes of this Commission in this case, the Planning and Zoning Commission finds that the following facts have been established based on the standards set forth in the Zoning Ordinance:

1. The extent to which the proposed amendments promote the public health, safety, comfort and convenience and general welfare of the City.

2. The relative gain to the public, as compared to the hardship imposed upon the applicant.

3. The consistency of the proposed amendments with the Comprehensive Plan.

4. The consistency of the proposed amendments with the intent and general regulations of this Ordinance.

5. Whether the proposed amendments correct an error or omission, adds clarification to existing requirements, or reflects a change in policy.

6. That the proposed amendments will benefit the residents of the City as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.

7. Whether the proposed amendments provide a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.

8. The extent to which the proposed amendments creates nonconformities.

9. The extent to which the proposed amendments are consistent with the overall structure and organization of this Ordinance.

Date Approved

Jim Hanlon, Chair

Draft of Section 11.4

Section 11.4 – ACCESSORY BUILDINGS, STRUCTURES AND USES

(2) Fences in Residential Districts

- a. Fences are prohibited in the front yard.
- b. Fences in residential districts may be erected to a height of **six feet (6)** ~~five feet, two inches (5'-2")~~ in any interior side or rear ~~or corner side~~ yard of an interior or corner lot, except for the following:
 - i. **In the case of a corner lot, a fence may be erected to a height of five (5) feet along the corner side yard.**
 - ii. In the case of a reverse corner lot, open fences may be erected to a height of four (4) feet along any corner side yard.
 - ii. ~~Where a residential lot backs up to a major thoroughfare, a fence may be erected to a height of six (6) feet along the rear lot line.~~
 - iii. Where a property abuts a railroad right-of-way, a fence may be erected to a height of seven (7) feet. However, where the right-of-way is below grade level, the maximum height of the fence shall not exceed the difference between seven (7) feet and the depth of the depression below grade, or five (5) feet, whichever is more.
 - iv. ~~Where a property abuts an alley, a fence may be erected to a height of five and one-half (5½) feet.~~
 - v. ~~Where a property abuts any property zoned and used for a commercial use or a parking lot, a fence may be erected to a height of six (6) feet in the rear, interior side or corner side yards.~~
 - vi. ~~Where a fence is constructed to screen a patio that does not exceed twenty-five (25) feet in length, that fence may be erected to a height of six (6) feet but must be located within three (3) feet from the patio being screened. In addition, only one (1) patio per lot may be screened with a six (6) foot fence.~~
 - iv.** vii. Where a fence is constructed on a deck, that fence may be erected to a height of five (5) feet.



CITY OF PARK RIDGE

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REGULAR MEETING OF PLANNING & ZONING COMMISSION

CITY HALL COUNCIL CHAMBERS 505 BUTLER PLACE PARK RIDGE, ILLINOIS 60068

Tuesday December 10, 2024, at 7:00 PM

Chair Hanlon called the meeting to order at 7:00 pm in Park Ridge City Hall, Council Chambers.

I. ROLL CALL

Present

James Hanlon, Chair
Susan Gilpin
Clayton Hutchinson
James Coogan 7:09
Scot Karstens
EJ Paprocki
Annette McMillan
Terry Schuepfer
Ken Dallmeyer

City Staff

Claudia Hampel, Planner II
Drew Awsumb, Director of CP&D
Josephine Faraci, Admin
Joseph Steinfels, Aldermanic Liaison

Absent

None

II. APPROVAL OF MINUTES – November 12, 2024

On a motion made by Commissioner Dallmeyer, seconded by Commissioner Hutchinson to approve the minutes of the Planning and Zoning meeting of November 12, 2024.

Motion carried by a voice vote as follows:

AYES	6	Chair Hanlon, Commissioners Dallmeyer, Hutchinson, Karstens, Paprocki, and Gilpin
ABSTAIN	2	Commissioners McMillan, Schuepfer
NAYS	0	None

Motion was approved by a vote 6 to 0 with two (2) abstentions.

On a motion made by Commissioner Hutchinson, seconded by Commissioner Dallmeyer to move City Council Liaison Report forward on the agenda.

Motion approved by a voice vote (9-0).

III. CITY COUNCIL LIASON REPORT

Aldermanic Liaison Steinfels gave an update on current events and other items discussed at recent City Council meetings.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

V. DEVELOPMENT CASES

- a. PUBLIC HEARING, REVIEW AND ACTION ON: SU-24-0008 – Special Use to Allow an Office Professional Use at 139 N Northwest Highway

Claudia Hampel, Planner II, introduced the case. Ms. Hampel explained that the applicant seeks to open an office professional use at 139 N Northwest Highway. The proposed location is in the B-4 Uptown Commercial Subdistrict, where a Special Use is required.

Amy Kelley described the nature of the business and their niche market. Ms. Kelley explained that their business is actively involved in business-to-business services, noting some of their clients are located in Park Ridge. The anticipated use of the space will be for small meetings, both virtual and some in-person, and social media marketing.

Commissioner McMillan inquired about the storage included on the floor plan and how the business receives product. Ms. Kelley indicated shipments are delivered to her home and only a few select items are then brought to the store. Ms. Kelley explained that in their business they receive a lot of “ones” of products. For example, noting that if they stocked a series of a books, they would only receive one (1) copy to show clients.

Commissioners inquired about the use of the facility, will it be a distribution center, will it act as a retail store, how many people will be visiting the store at one given time.

Ms. Kelley indicated that they anticipate holding about three (3) meetings a month, with most of their meetings being virtual. She has two (2) salespeople that come in from time to time.

Commissioner Paprocki stated he would like to see a retail business in place of an office, specifically noting the minimal foot traffic that the business anticipates. He opined that he would rather see a business at this site that brings in and adds to the foot traffic in the area to support other businesses.

The Commission opened the meeting to the public.

Commissioner Dallmeyer indicated that at first, he felt the same as Commissioner Paprocki but realized that the space is quite small for retail.

Commissioner Schuepfer sees the business as supporting surrounding retail in the area. She opined support in allowing this use because the nature of the business is supporting other businesses. Commissioner Schuepfer noted that brick and mortar retail has been struggling and this business promotes survival of those businesses.

Commissioner Gilpin opined that it is better to have something there rather than empty space.

On a motion by Commissioner Coogan, seconded by, Commissioner Karstens to recommend approval of a special use to allow an office professional use at 139 N. Northwest by the Planning and Zoning Commission.

Motion carried by a voice vote as follows:

AYES	6	Commissioners, Gilpin, Coogan, Schuepfer, Dallmeyer McMillan, and Karstens
ABSTAIN	0	None
NAYS	3	Chair Hanlon, Commissioners Paprocki, Hutchinson

Motion was approved by a vote 6 to 3.

Commissioners discussed the Findings of Fact

- b. PUBLIC HEARING, REVIEW AND ACTION ON: SU-24-0009 – Special Use to Allow a Personal Services Establishment at 132 S Prospect Avenue - **HEARING HAS BEEN RESCHEDULED TO JANUARY 14, 2024 MEETING OF THE PLANNING AND ZONING COMMISSION**
- c. PUBLIC HEARING, REVIEW AND ACTION ON: ZA-24-0009 – Zoning Text Amendment Regarding Fence Height

Claudia Hampel, Planner, gave an over of the text amendment. The City Council at a September Committee of the Whole meeting discussed current fence regulations. This conversation was initiated due to the number of variance cases the Zoning Board of Appeals has received in recent years for fences. The current maximum fence height in residential districts is five (5) feet two (2) inches with exceptions for reverse corner side yards, major thoroughfares, railroad right-of-way, commercially zoned and used properties, alleys, patios and decks.

Ms. Hampel explained that the Commission has two (2) major questions to answer in reviewing the proposed amendment. The first is whether they are amenable to increase the maximum fence height to six (6) feet. The second is whether they wish to treat all corner lots separately from regulations for interior lots. Ms. Hampel explained a desire for feedback to whether the Commission sees it as applicable to allow fences to be six (6) feet tall in corner side yards, which would mirror the existing regulations, or rather if the fence height should be five (5) feet. Ms. Hampel further noted that the conversation and decision should consider the potential creation of “street walls” with six (6) foot tall fencing on corner lots.

The Commissioners discussed and agreed about the maximum fence height increase from 5’ 2” to 6”.

The Commission discussed the corner lot regulations and the various options.

Commissioners Schuepfer opined that she would like to see more of an open air with the fence design.

Commissioner Paprocki stated that he is in favor of keeping the five (5) foot or five (5) foot two (2) inch fences in the corner side yards. He opined that the esthetics are important.

Commissioner Coogan agreed with the corner lot fence size Commissioner Paprocki noted. He felt that to leave that distinction between corner lots and interior lots is expected, noting the expectation of privacy is different outside in the yard of a home versus inside. He thinks that any fence restriction on the height of the fences is a balancing act between a homeowner’s privacy and the lot versus what people can see around you.

Commissioner Dallmeyer opined that he lives on a corner lot, and he has shrubs that are over six (6) feet tall, noting that this is an option for those corner lots who would like more privacy.

Commissioner Hutchinson stated that he does not have a strong opinion. However, he stated that he likes the idea of shrubs as an alternative for a six (6) foot fence on the corner lots.

On a motion Commissioner Coogan, seconded by Commissioner Hutchinson, that the Planning and Zoning Commission recommend amendments to the Zoning Ordinance as per the attached draft amendments and as modified herein by the Planning and Zoning Commission.

Motion carried by a voice vote as follows:

AYES	9	Chair Hanlon, Gilpin, Coogan, Schuepfer, Dallmeyer Hutchinson, Karstens, Paprocki and Hutchinson
ABSTAIN	0	None
NAYS	0	None

Motion was approved by a vote 9 to 0.

Commissioners discussed the Findings of Fact

d. PUBLIC HEARING, REVIEW AND ACTION ON: Amendments to the City of Park Ridge Comprehensive Plan (Uptown Master Plan)

Director Drew Awsumb went through the project timeline and how the Commission got to this point, noting countless discussions amongst the group, public outreach, and document feedback.

Director Awsumb overviewed the feedback received and presented at the Commission's October 15 and 29th meetings and how the document was altered to reflect that feedback. Director Awsumb explained that while the public hearing has been opened with this case, there is no anticipated vote of recommendation at tonight's meeting and the hearing would be continued to the Commission's January 14th meeting. Following that vote, staff would go to the City Council Committee of the Whole meeting in late January with an anticipated vote in February or March 2025.

Director Awsumb then went through the new draft document noting changes made from the Commission and public feedback. To close, he noted that staff would take any and all feedback leading up to the January 14th meeting.

Commissioner Hutchinson inquired to staff what is next for the groups planning projects. Director Awsumb explained that staff is anticipating a release of a Request for Proposals (RFP) to close 2024 and would anticipate firm selection early next year to begin work on the other commercial areas.

On a motion Commissioner Dallmeyer, seconded by Commissioner Hutchinson, that the Planning and Zoning Commission continue the amendments to the City of Park Ridge Comprehensive Plan (Uptown Master Plan) to the January 14, 2025 meeting.

Motion carried by a voice vote as follows:

AYES	9	Chair Hanlon, Gilpin, Coogan, Schuepfer, Dallmeyer Hutchinson, Karstens, Paprocki and Hutchinson
ABSTAIN	0	None
NAYS	0	None

Motion was approved by a vote 9 to 0.

VI. ADJOURNMENT

Motion carried by a voice vote as follows:

AYES	9	Chair Hanlon, Gilpin, Coogan, Schuepfer, Dallmeyer Hutchinson, Karstens, Paprocki and Hutchinson
ABSTAIN	0	None
NAYS	0	None

Motion was approved by a vote 9 to 0.

*These minutes are not a verbatim record of the meeting, but a summary of the proceedings. *

Date

Chair Hanlon