

ZO-11-2015

**AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE CITY OF ELMHURST ZONING ORDINANCE
AMENDING FENCE HEIGHTS AND LOCATIONS**

WHEREAS, the City of Elmhurst ("City") maintains the City Zoning Ordinance ("Zoning Ordinance"), which is codified in Chapter 22 of the City Code; and

WHEREAS, the City Council deems it reasonable and prudent to periodically review said Zoning Ordinance and make necessary changes; and

WHEREAS, the City is authorized to propose text amendments to the City Zoning Ordinance; and

WHEREAS, the City has made application to amend a certain section of the Zoning Ordinance to (i) amend Section 22.285(a), entitled "Specific Provisions," of Article XII, entitled "Fences and Walls," for the purpose of allowing fences in the front and corner side yards to be four (4) feet in height provided that they are more than seventy-five (75) percent open; and (ii) amend Section 22.285(e), entitled "Specific Provisions," of Article XII, entitled "Fences and Walls," for the purpose of requiring a ten (10) foot sight triangle for fencing at alleys and driveways (collectively, the "Text Amendments"); and

WHEREAS, a public hearing to consider the Text Amendments to said Zoning Ordinance had been conducted by the City Zoning and Planning Commission ("Commission") on June 25, 2015, pursuant to appropriate and legal notice; and

WHEREAS, during said public hearing, all persons desiring to be heard were afforded an opportunity to give testimony and make comments for the record; and

WHEREAS, the Commission, after considering all evidence and testimony at the public hearing, deliberated its decision on July 9, 2015 and July 23, 2015, and has filed its findings and recommendations with the Development, Planning and Zoning committee ("DPZ") of the City, dated July 24, 2015, recommending approval of the Text Amendments described herein; and

WHEREAS, the DPZ, after reviewing and considering the Commission findings, minutes and report, met on September 15, 2015, and recommended approval of the Text Amendments described herein; and

WHEREAS, the City Council has considered the findings and recommendations of the DPZ and the Commission.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1. The foregoing recital clauses to this Ordinance are adopted as the findings of the Corporate Authority of the City of Elmhurst and are incorporated herein by specific reference.

Section 2. Section 22.285(a), entitled "Specific Provisions," of Article XII, entitled "Fences and Walls" of the City Zoning Ordinance, as amended, is amended as follows (bold language denotes change):

22.285 - Specific provisions.

- (a) A fence or wall may be erected, placed, or maintained adjacent to the lot line on residentially zoned property to a height not to exceed six feet above the grade level when located rear of the established front building setback line and no more than three feet above grade, forward of the

principal structure or in a required front or corner side yard; **provided, however, that a fence other than chain link may be allowed up to four (4) feet in height, forward of the principal structure or in a required front or corner-side yard, if such fence is at least 75% open and not located within an established sight triangle from a street, alley or driveway as defined in subsection (e) of Article XII.** On any property located within a residential zoning district a fence or wall may be erected, placed, or maintained adjacent to the lot line to a height not to exceed eight feet when such property abuts a railroad or Federal highway right-of-way provided such fence or wall is located to the rear of the established front or corner-side building setback line.

Section 3. Section 22.285(e), entitled "Specific Provisions," of Article XII, entitled "Fences and Walls" of the City Zoning Ordinance, as amended, is amended as follows (bold language denotes change):

- (e) In any district no fence, wall, hedge or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three feet above the street grade nearest thereto, within thirty (30) feet of the intersection of any street lines or of street lines projected. **Additionally, in any district no fence, wall, hedge or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the grade nearest thereto, within ten (10) feet of the intersection of an alley and a sidewalk, or five (5) feet of the intersection of a driveway and a sidewalk.** The purpose of this requirement is to provide for visual clearance/traffic safety.

Section 4. Any ordinance or portion of any ordinance in conflict with the provisions of this Ordinance is repealed solely to the extent of such conflict.

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Section 5. This Ordinance shall be in full force and effect ten (10) days after its passage, approval and publication in the manner provided by law.

ADOPTED this 5th day of October, 2015, pursuant to a roll call vote as follows:

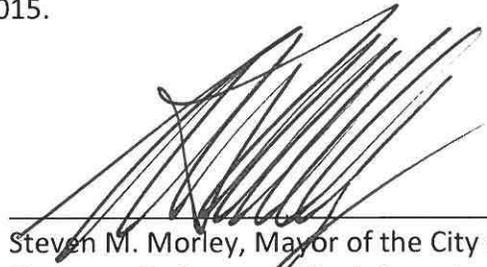
AYES: 13

NAYS: 0

ABSENT: 1

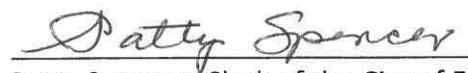
ABSTENTION: _____

APPROVED by me this 5th day of October, 2015.



Steven M. Morley, Mayor of the City of
Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this 5th day of October, 2015.



Patty Spencer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois