

VILLAGE OF CARPENTERSVILLE

1200 L. W. Besinger Drive
Carpentersville, Illinois 60110
847-426-3439

Village President

John Skillman

Village Clerk

Tania Gomez

Village Manager

John O'Sullivan _____ *Concur*

Village Trustees

Dickie Abbott

Jeff Frost

Humberto Garcia

Jim Malone

Denise Richardson

Brenda Sandoval

BOARD REPORT

TO: Village President, Board of Trustees, Manager, and Attorney

FROM: Tim Brinkmann, Asst. Community Development Director

DATE: March 5, 2024

SUBJECT: An Ordinance Amending Title 16 of the "Carpentersville Municipal Code," Regarding the Location of Fences in Residential Zoning Districts in the Village.

BACKGROUND

Over the course of 2023, Staff from the Community Development Department and the Code Compliance Department discussed updating the Village's Zoning Code regarding fence regulations in residential zoning districts. Staff from both departments noted that the current regulations for fences in residential zoning districts are rather confusing, especially regarding fences on corner lots. Over the Summer of 2023, the Community Development Department's Planning Intern researched how fences are regulated in other local municipalities. After extensively researching other municipalities' zoning codes, the Planning Intern discovered that the Village of Carpentersville's fence regulations are some of the most complicated in the area.

ANALYSIS

Per discussion with staff from the Community Development and Code Compliance Departments, it was determined that the Zoning Code should be revised to simplify fence regulations for residential zoning districts in the Village. Staff took information from the Planning Intern's research and used it to modify the existing Zoning Code to simplify how fences are applied for, installed and inspected throughout the Village.

Based on the analysis above, Staff has drafted the following proposed text amendments to the Other Use Regulations – Regulations Regarding Fences section of the Zoning Code. Within the proposed text amendment detailed in this report, text to be deleted is shown crossed out (e.g. ~~deleted~~) and text to be added is shown in italics and underlined (e.g. added).

Section 16.18.030 – Regulations regarding fences

5. Fences on Corner Lots.

a. Fences in Front Yards.

- i. Permitted fences: Split-rail, wrought iron, seventy percent (70%) open picket fence.
- ii. Maximum Height: Three feet.
- iii. Fences which do not enclose any portion of the front yard are allowed along and within one foot of the side lot line not parallel with a street frontage, and located a distance of not less than five feet from the front lot line (street line).
- iv. Fences are allowed which are placed within five feet of the front wall of the principal building but not extending beyond the corner of the building.

~~v. Fences which do not enclose any portion of the front yard are allowed at only (1) or (2), but not both, of the following locations:~~

- ~~(1) Along a line or portion thereof from the corner of the house nearest the intersection of two streets towards the corner of the lot nearest the intersection and located a distance of not less than two feet from the front lot lines (street lines), which distance shall be measured along a line perpendicular thereto; or~~
- ~~(2) Within ten feet on either or both sides of the corner of the lot nearest the intersection of two streets and placed on the lot parallel with the street within an area of not less than two feet nor more than five feet from the lot line.~~

b. Fences in Secondary Front Yards.

- i. Fences ~~which do not exceed~~ three feet in height up to four feet ~~and two inches~~ in height.
 - (1) Permitted fences: Picket, split-rail, wrought iron.
 - (2) Setback from the secondary front (secondary street) property line: Five feet.
 - (3) Setback from the front (primary street) yard line: ~~Zero feet from the front yard line or 15 feet from the front (primary street) property line, whichever is greater.~~ Five feet.
 - (4) Setback from the rear property line: Zero feet.
- ii. Fences greater than four feet ~~and two inches~~ in height which do not exceed five six feet in height.
 - (1) Permitted fences: Picket, privacy, shadow box, split-rail, wall, wrought iron.
 - (2) Setback from the secondary front (secondary street) property line: ~~A distance equal to the secondary front yard setback requirement for the zoning district in which the fence is to be located, or 15 feet, whichever is greater.~~ Ten feet.

(3) Setback from the front (primary street) yard line: ~~Zero feet from the front yard line or 15 feet from the front (primary street) property line, whichever is greater.~~ Ten feet.

(4) Setback from the rear property line: Zero feet.

* * *

The PZC reviewed the text amendment request according to the criteria listed in the Municipal Code, and found the request in compliance with the Municipal Code. Therefore, The PZC voted (4 aye, 0 nay, 3 absent) on a motion to recommend to the Village Board the approval of the requested text amendment.

FISCAL IMPACT

Staff finds that the approval or disapproval of the proposed amendment to the text of the Zoning Ordinance would have no specific or direct fiscal impact upon the Village.

DEPARTMENT RECOMMENDATIONS

Staff recommends that the Village Board of Trustees uphold the recommendation of the Planning and Zoning Commission and approve the proposed text amendment.

ORDINANCE NO. 24-12

AN ORDINANCE AMENDING TITLE 16 OF THE "CARPENTERSVILLE MUNICIPAL CODE," REGARDING FENCE LOCATIONS IN RESIDENTIAL ZONING DISTRICTS IN THE VILLAGE

WHEREAS, the "Zoning Ordinance of the Village of Carpentersville," as amended ("**Zoning Ordinance**"), sets forth zoning and land use regulations applicable in the Village of Carpentersville; and

WHEREAS, Subsection 16.18.030 of the Zoning Ordinance regulates the location of fences in residential zoning districts in the Village; and

WHEREAS, the Village of Carpentersville has initiated amendments to Subsection 16.18.030 of the Zoning Ordinance (collectively the "**Proposed Amendments**"); and,

WHEREAS, pursuant to Sections 2.52.040.G of the Village Code, a public hearing of the Planning and Zoning Commission of the Village of Carpentersville ("**PZC**") to consider approval of the Proposed Amendments was duly advertised in the Daily Herald on January 29, 2024, and was held on February 15, 2024; and

WHEREAS, on February 15, 2024, the PZC voted (4 aye, 0 nay, 3 absent) to approve a recommendation to the President and Board of Trustees in support of the Proposed Amendment; and

WHEREAS, the President and Board of Trustees have considered the Proposed Amendment and the recommendation of the PZC, and have determined that adoption of the Proposed Amendment, as set forth in this Ordinance, will serve and be in the best interest of the Village and its residents;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, as follows:

SECTION 1: RECITALS.

The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 16.18 – Other Use Regulations:

Portions of Section 16.18 titled "Other Use Regulations" including Subsection 16.18.030 – Regulations regarding fences of the Zoning Ordinance are hereby amended to read as follows (**Additions are bold and double underlined**; ~~deletions are struck through~~):

Section 16.18.030 – Regulations regarding fences

5. Fences on Corner Lots.

a. Fences in Front Yards.

i. Permitted fences: Split-rail, wrought iron, seventy percent (70%) open picket fence.

ii. Maximum Height: Three feet.

iii. Fences which do not enclose any portion of the front yard are allowed along and within one foot of the side lot line not parallel with a street frontage, and located a distance of not less than five feet from the front lot line (street line).

iv. Fences are allowed which are placed within five feet of the front wall of the principal building but not extending beyond the corner of the building.

v. ~~Fences which do not enclose any portion of the front yard are allowed at only (1) or (2), but not both, of the following locations:~~

~~(1) Along a line or portion thereof from the corner of the house nearest the intersection of two streets towards the corner of the lot nearest the intersection and located a distance of not less than two feet from the front lot lines (street lines), which distance shall be measured along a line perpendicular thereto; or~~

~~(2) Within ten feet on either or both sides of the corner of the lot nearest the intersection of two streets and placed on the lot parallel with the street within an area of not less than two feet nor more than five feet from the lot line.~~

b. Fences in Secondary Front Yards.

i. Fences which ~~do not exceed~~ **at least three feet in height up to** four feet and two inches in height.

(1) Permitted fences: **Seventy-percent (70%) open** picket, split-rail, wrought iron.

(2) Setback from the secondary front (secondary street) property line: Five feet.

(3) Setback from the front (primary street)-yard **property** line: ~~Zero feet from the front yard line or 15 feet from the front (primary street) property line, whichever is greater.~~ **Five feet.**

(4) Setback from the rear property line: Zero feet.

ii. Fences greater than four feet and two inches in height which do not exceed five **six** feet in height.

(1) Permitted fences: Picket, privacy, shadow box, split-rail, wall, wrought iron.

(2) Setback from the secondary front (secondary street) property line: ~~A distance equal to the secondary front yard setback requirement for the zoning district in which the fence is to be located, or 15 feet, whichever is greater.~~ **Ten feet.**

(3) Setback from the front (primary street) yard **property** line: ~~Zero feet from the front yard line or 15 feet from the front (primary street) property line, whichever is greater.~~ **Ten feet.**

(4) Setback from the rear property line: Zero feet.

* * *

SECTION 3: SEVERABILITY.

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4: EFFECTIVE DATE.

The provisions of this Ordinance will be in full force and effect upon its passage, approval and publication, in accordance with law.

Motion made by Trustee Garcia, seconded by Trustee Sandoval, that the Ordinance be passed.

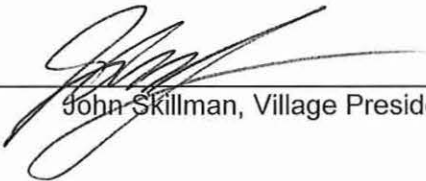
ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 5th Day of March, 2024, pursuant to a roll call vote as follows:

AYES: 6 (Garcia, Sandoval, Abbott, Richardson, Malone, Skillman)

NAYS: 0

ABSENT: 0

Present: 1 (Frost)
APPROVED by me this 5 day of March, 2024.



John Skillman, Village President

(SEAL)

ATTEST: 

Tania Gomez, Village Clerk



CERTIFICATION

I, Tania Gomez, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the 5 day of March, 2024, the foregoing Ordinance entitled, **AN ORDINANCE AMENDING TITLE 16 OF THE "CARPENTERSVILLE MUNICIPAL CODE," REGARDING FENCE LOCATIONS IN RESIDENTIAL ZONING DISTRICTS**, was duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. 24-12, including the Ordinance was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 5 day of March, 2024, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this 5 day of March, 2024.



Tania Gomez, Village Clerk
Village of Carpentersville,
Kane County, Illinois

(SEAL)

