

**Regular Meeting-Plan Commission/Zoning Board Of Appeals
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois**

June 11, 2007

All Matters on the Agenda may be discussed, amended and acted upon

Chairman Pro-Tem David Michaelson called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:30 PM and directed Recording Secretary Wynne Progar to call the roll.

Present: Commissioners Anthony Manzzullo, Angelo Christopher, Ralph Smoot, Lateef Vora, Dee Spink, Joyce Hundhausen and David Michaelson

Absent: None

Also Present: Village Planner John Svalenka, Community Development Director Bob Glees and Recording Secretary Wynne Progar

MINUTES: May 14, 2007

Commissioner Manzzullo moved and Commissioner Spink made the second to accept the Minutes of the Meeting of May 14, 2007 as presented. The results of the roll call vote were:

Ayes: 7 Commissioners Manzzullo, Christopher, Smoot, Vora, Spink, Hundhausen and Michaelson

Nays: 0

Public Hearing:

Commissioner Hundhausen moved and Commissioner Christopher made the second to open the public hearing. The motion passed by unanimous voice vote.

**#06242: Spina Commercial, East side of Schmale Road, South of St. Charles Rd.
Special Use Permit – Planned Unit Development
Special Use Permits – Shopping Plaza, Drive-up Service Window, Auto Laundry
Preliminary/Final PUD Plan Approval
Rezoning – B-2 General Retail District to B-3 Service District
CONTINUED FROM 3-26-07 MEETING**

Mr. Svalenka stated that Mario Spina, Vice President of Angel Associates LP, has submitted an application requesting several zoning approvals that would allow for the development of a multi-tenant retail building and a car wash on the approximate 1.96 acre property located on the east side of Schmale Road, just south of St. Charles Road. This matter has been continued five times dating back to the October 9, 2006, Plan Commission/Zoning Board of Appeals meeting. The continuances were to accommodate the applicant, who had been in negotiations to purchase the adjacent unincorporated property to the east and add the additional property to his site plan. Mr. Spina has completed the purchase of the adjacent property and has submitted a new application to allow development of the overall 3.75-acre property. The new application replaces the original application. Village staff will advertise a new public hearing for the new application. Therefore, the subject case is now closed, and no further action is

required.

#07144: Andrew Bucaro – 545 E. North Avenue
Expansion of a Special Use Permit – Open Sales Lot

Joseph Ash, 77 W. Washington Street, Chicago, IL was sworn in as a witness in this matter. He described the property and explained the reasons for the special use by saying that the request is for the expansion of the business by allowing a specific drop off area for additional cars for the sales lot.

There were no comments or questions from those in attendance at the call for public hearing.

Mr. Svalenka stated that on May 5, 2003, the Village Board of Trustees approved various requests to allow the Auto Showcase business to operate at 545 E. North Avenue. One of those requests was a Special Use Permit for an open sales lot ancillary to the permitted use of motor vehicle sales and service. On January 13, 2006, the Village Board of Trustees approved various requests to allow the Auto Showcase business to expand into an adjacent facility at 106 N. Schmale Road. The Special Use Permit for an open sales lot was expanded to include the facility at 106 N. Schmale Road. At this time, Attorney Joseph Ash, on behalf of his client, Andrew Bucaro, is seeking Village approval in order to again expand the Auto Showcase business.

The Auto Showcase inventory mainly consists of used vehicles, no more than five model years old, ranging between \$15,000 and \$50,000. Keeping with this trend, Mr. Bucaro sells vehicles that are upscale in nature, including BMW, Audi, Mercedes Benz, and Land rovers. The business has expanded to the point that the entire current sales lot is normally full. Therefore, the petitioner proposes to construct additional open sales lot area on the vacant 0.5-acre property directly north of the Auto Showcase building at 545 E. North Avenue. An expansion of the existing Special Use Permit is required to allow for the open sales lot.

As stated, a special use permit is required to operate an open sales lot. With regard to the Special Use permit, staff has reviewed the proposal from both an operational standpoint and an aesthetic standpoint. From an operational standpoint, the location appears to be well suited for an open sales lot. The proposed additional open sales lot is adjacent to existing open sales lot areas on the surrounding Auto Showcase properties to the south and east. The new lot would be used primarily for drop-off and display of newly arriving vehicles. Access to the site is provided from Schmale Road via an existing private driveway to the north of the property. The petitioner has determined that the most convenient route for delivery trucks is to enter and exit from Schmale Road, and therefore has not proposed a connection to the adjacent lots. Because the access is via a private common driveway, if the Plan Commission / Zoning Board of Appeals were to recommend approval of the petitioner's request, staff would advise that the recommendation include the condition that the petitioner obtain a cross-access easement allowing access through the property to the north prior to a building permit being issued for the improvements. Mr. Bucaro has indicated that he expects to park an average of 25 cars in the open sales lot. Because of the nature of the business, the open sales lot areas do not need to adhere to the typical parking stall striping requirement. This alternative allows the owner flexibility in the manner and orientation in which vehicles are displayed. However, staff notes that the typical width for a parking

lot with a drive aisle flanked by two rows of automobiles is 60 feet, while the plan shows a 50-foot wide lot. Therefore, if the Plan Commission / Zoning Board of Appeals were to recommend approval of the petitioner's request, staff would advise that the recommendation include the condition that the width of the pavement on the engineering site plan shall be increased from 50 feet to 60 feet before the plan will be brought to the Village Board for final approval.

From an aesthetic standpoint, automobile related uses have the potential to generate property maintenance issues. Service and repair of vehicles is performed at the adjacent facility at 106 N. Schmale Road. There is a possibility that the repair business could result in several vehicles being parked overnight, awaiting repair. However, the applicant has suggested that the service and repair of vehicles only represents a minor aspect of the Auto Showcase business and is not intended to accommodate the general public. Also, no direct connection is proposed between the repair facility and the proposed additional open sales lot. Therefore, staff does not believe there will be any automobile related property maintenance issues on the proposed lot. The petitioner has not proposed to install any landscape screening on this parcel. Staff notes that the parcel is not within the North Avenue Corridor, and therefore not subject to the North Avenue Corridor requirements for landscape screening. From a practical standpoint, it does not appear that landscape screening would provide much benefit. The areas directly south and east of the parcel are developed with similar open sales lot areas and are a part of the same business, and it would not make sense to screen the lot from these uses. The areas directly to the west and northwest are zoned industrial and developed with outdoor storage yards that are surrounded by chain-link fences with screen slats, as shown on the attached digital photos. Staff does not believe there is a need to provide landscape screening adjacent to a fence with screen slats. The area to the north across the private driveway is an unscreened parking lot for the Western DuPage Special Recreation Association. Considering that both areas would be used for parking cars, staff does not believe its necessary to provide landscaping along the north property line. As a matter of comparison, there is no landscaping along the north side of the existing Auto Showcase open sales lot directly east of the subject parcel. Staff notes that a visually appealing black wrought iron fence currently encloses the parcel, as shown on the attached digital photos. A matching fence extends around the perimeter of the Auto Showcase facility. Therefore, staff does not believe that landscape screening is necessary.

Based on the information submitted, staff recommends approval of the requested expansion of the Special Use Permit for an open sales lot ancillary to the permitted use of motor vehicle sales and service in accordance with Section 16-9-4(C)(6) of the Zoning Code, subject to the following conditions:

1. That the width of the pavement on the Site Development Plans shall be increased from 50 feet to 60 feet before the plan will be brought to the Village Board for final approval;
2. That the petitioner obtain a cross-access easement allowing access through the property to the north prior to a building permit being issued for the improvements;
3. That the petitioner shall submit a stormwater management plan and a photometric plan at the time of building permit that meets with the approval of the Village Engineer;

4. That any request to increase the area of the open sales lot would require an amendment to the Special Use Permit; and,
5. That the development of the site will comply with all state, county and village codes and requirements.

Commissioner Spink asked if the petitioner agrees with the staff recommendations and was told that they are in agreement with them. Commissioner Spink then commented that in the past there were vehicles parked on the parkway in front of the iron fence and asked if they were going to continue that practice since she does not believe that was permitted under their special use. The petitioner stated that they would not do that in the future. In response to the question regarding additional signage, John Lewandowski, manager of the Auto Showcase (who was sworn in as a witness) said that they would only have directional signs for the drop-off drivers. Commissioner Spink asked if they are doing outside repair work and it was stated that while they do some oil and battery changes, the majority of the work done are on the cars that they sell.

Commissioner Manzullo said that he drove by the location and noted that it is well kept. He asked who owns the private drive. Mr. Svalenka stated that the private drive is owned by the Carol Stream Park District and one of the conditions for approval of the expansion is to obtain a cross-access agreement with them.

Chairman Pro-Tem Michaelsen said that the business does look great and asked staff what would be the remedy if they continue to park cars on the grass in front of the building. Mr. Svalenka commented that any violations would be handled by Code Enforcement. Chairman Pro-Tem Michaelsen asked if there would be the same lighting and he was told that it would be whatever is there. In response to the question about the weight of the trucks, and how many cars they would be delivering, Mr. Lewandowski said that it could be anywhere between two and six cars and that there are other trucks and trailers that use that road with maximum loads.

Commissioner Manzullo moved and Commissioner Vora made the second to recommend approval of the request for an expansion of a special use permit for an open sales lot in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 7 Commissioners Manzullo, Christopher, Smoot, Vora, Spink,
Hundhausen and Michaelsen

Nays: 0

The petitioner was reminded that this matter will be considered by the Village Board when all of the requirements have been met and was advised to attend that meeting when notified.

Commissioner Smoot moved and Commissioner Hundhausen made the second to close the public hearing. The results of the roll call vote were:

Ayes: 7 Commissioners Manzullo, Christopher, Smoot, Vora, Spink,
Hundhausen and Michaelsen

Nays: 0

New Business:

**#07089: Village of Carol Stream, 500 N. Gary Avenue
Text Amendment – Building Construction and Maintenance Codes,
Article 12, Fence Code**

Mr. Svalenka presented the following staff report discusses and presents proposed text amendments to the Village of Carol Stream Code, Chapter 6 *Building Construction and Maintenance Codes*, Article 12 *Fence Code*.

BACKGROUND

As part of the 2001 Overall Village Goal, an interdepartmental staff committee was formed to evaluate various sections of the Carol Stream Code of Ordinances in order to recommend improvements by which Carol Stream properties would present "a sparkling appearance." The committee evaluated the Fence Code, Sign Code and Property Maintenance Code. The committee's recommendations for the Fence Code were evaluated and used to create a draft text amendment, which was reviewed by the Village Board at the April 29, 2002, meeting of the Committee of the Whole. The draft text amendment was then revised in response to comments received, and brought to a second meeting of the Committee of the Whole on July 29, 2002, along with staff recommendations. Additional comments were received, but no clear consensus was reached by the Village Board on certain issues, including the requirement for fence uniformity along arterial roadways. Therefore, the matter of revisions to the Fence Code was placed in abeyance.

Because many of the recommended text amendments would be helpful in improving the Fence Code, staff has attempted to remove the contentious issues and produce an updated Fence Code that is better organized, has requirements that are consistent with other communities, and does not introduce new and potentially controversial regulations. For purpose of comparison, we have reviewed the fence regulations in Wheaton, Glen Ellyn, Schaumburg and Hoffman Estates. We also contacted Bloomingdale, and were advised they do not have a fence code, and simply allow structures of up to six feet in height as yard obstructions.

ATTACHMENTS

Attached are the following:

- Current Fence Code
- Fence Codes from Wheaton, Glen Ellyn, Schaumburg and Hoffman Estates.
- Draft Proposed Carol Stream Fence Code, with editing notations for reference.
- Draft Proposed Carol Stream Fence Code, revised to reflect comments received as well as the staff recommendations contained herein.

SUMMARY OF ISSUES AND SIGNIFICANT REVISIONS

In order to assist in your review, we have developed the following list of issues:

1. **Restrictions regarding back-to-back fences (§6-12-8(L)).** The review committee's intent was to prohibit back-to-back fences immediately adjacent to each other; however, two fences would be allowed to be installed on either side of the same property line provided there is at least a three-foot separation between the fences. The text included in the draft Fence Code reviewed by the Committee of the Whole in 2002 retained this intent. Back-to-back fences were discouraged but not disallowed, and a three-foot gap was required between back-to-back fences.

Options:

- Adopt the review committee's recommendation,
- remain silent on the issue and allow back-to-back fences, as does the current Fence Code, or
- prohibit back-to-back fences altogether.

Although there were some at the Committee of the Whole meetings who supported the review committee's recommendation, staff's recommendation is to remain silent and allow back-to-back fences. We believe a three-foot gap between fences would cause more problems than it would solve, in that the area would be difficult to maintain and could become a harbor for rodents and other pests. We have had no problems or complaints regarding this issue, and we do not see a need to create additional regulations. The proposed Fence Code as attached remains silent on the issue, and does not include the review committee's recommendation.

2. **Height of chain link fences to be reduced and fixed at four feet (§6-12-9(C)).** The review committee attempted to create code requirements that would result in a uniform fence appearance. The standard height selected by the committee for residential fences not adjacent to streets was five feet. Unfortunately, this is not a standard height for chain link fence. Therefore, four feet was selected as the standard for chain link fence.

Options :

- Adopt the review committee's recommendation,
- maintain the current Fence Code requirements, which set a maximum height of five feet but allow lesser heights, or
- select a standard height other than four feet for chain link fences.

The Committee of the Whole was uncomfortable with the inconsistency of having a different height standard for chain link fence than for other types of fence. Staff's recommendation is to maintain the current Fence Code requirements. We do not believe it is necessary or in the community's interests to fix a uniform chain link fence height throughout the Village.

3. **Height of residential structural fences to be fixed at five feet or six feet, depending on location (§6-12-9).** As noted, the review committee attempted to create code requirements that would result in a uniform fence appearance. The selected standard height for residential structural fences (other than chain link) not

adjacent to streets was to be five feet, while the height for fences adjacent to arterial streets was to be six feet. Other heights would not be permitted.

Options:

- Adopt the review committee's recommendation,
- maintain the current Fence Code requirements, which set a maximum height but allow lesser heights,
- modify the review committee's recommendation so as to set fixed heights only for fences adjacent to streets, but allow variable heights for interior fences, or
- select standard heights other than five feet or six feet for structural fences.

The Committee of the Whole was reluctant to impose a specific regulatory fence height except where adjacent to an arterial street, and I agree. Staff's recommendation is to maintain the current regulations, which allow a maximum height, not a fixed height. We do not believe it is necessary or in the community's interests to fix a uniform fence height throughout the Village.

4. **Fences adjacent to streets must be wood, and fences adjacent to arterial streets must be a certain type of wood (§6-12-9(C) and §6-12-9(D)(4)).** In order to create code requirements that would result in a uniform fence appearance, the committee's recommendation was to create a set of Village standards for height, type and material of structural fence. These are summarized as follows:

Location	Height	Material	Type
Rear yard not adjacent to street, interior side yard	Equal to five feet, except four feet for chain link	As listed in §6-12-8(E)	No standard
Rear yard and side yard adjacent to street	Equal to five feet	Wood	No standard
Rear yard and side yard adjacent to arterial street	Equal to six feet	Wood	Dog-ear, 1"x 6 ³ / ₄ " wood

Notes:

- (i) ***Fence color is not specified in the review committee's recommendations.***
- (ii) The proposed standard of wood only would preclude vinyl fence and natural fence.

Options:

- Adopt the review committee's recommendations,
- maintain the current Fence Code requirements, which set a maximum heights but allow lesser heights, and do not specify a fence type, color or material, or
- modify the review committee's recommendations with respect to height, color, material or type.

Staff's recommendation is to maintain the current Fence Code requirements. We do not believe the negative impacts associated with imposing such regulations on the public are worth the slight aesthetic reward. We may wish to consider disallowing chain link fence along streets, as in Wheaton. Staff invites discussion and comment from the Plan Commission on this issue.

5. **Location of fences adjacent to streets revised.** The current Fence Code requires structural fences located along a side yard adjoining a street to be offset either five feet or 25 feet from the property line, depending on the nature of the adjacent property to the rear. This issue was not addressed by the review committee or the Committee of the Whole; however, staff has had occasions in which enforcement of these setback requirements seemed unnecessary. Therefore, §6-12-9(C), items 4, 5 and 6, has been revised to remove these setback requirements.
6. **Maximum height of residential decorative fences reduced to three feet (§6-12-8(D)(3)).** The review committee believes that the current standard of four feet is too high for a fence to be considered decorative, and recommends a height of 36 inches. In addition, one of the comments received from the Committee of the Whole was that decorative and split rail fences should be no more than 24 inches in height.

Options:

- Adopt the review committee's recommendation,
- maintain the current Fence Code requirements, which set a maximum height of 48 inches, or
- select a maximum height other than 48 inches, such as 36 inches for decorative fences and 24 inches for split rail fences.

Staff would note that the fence regulations for decorative and split rail fences in other communities are as follows:

Wheaton – Maximum height of three feet in the front yard and four feet in the side yard adjoining a street, 50% open, no limit on length.

Glen Ellyn – Does not address decorative or split rail fences.

Schaumburg – No fence of any kind allowed in front or side yards adjoining a street beyond the actual building line.

Hoffman Estates – Four feet in height, eight feet in length, 80% open, permitted at lot corners.

Carol Stream's current regulations for decorative fences are fairly similar to Wheaton's, the differences being that Wheaton has no limitation on the length and such fences may only be three feet in height in a front yard. Staff's recommendation is to strike a compromise with the recommendation of the Review committee by adopting regulations similar to Wheaton's. We believe limiting split rail fences to only two feet in height is not reasonable, but that three feet in the front yard and four feet in the corner side yard seem practical.

7. **Definition of "sight triangle" added.** The purpose of restricting fences from being located within a sight triangle is to maintain a clear line of vision from a driver's eye to an approaching vehicle or pedestrian. The current Fence Code has no definition for "sight triangle"; the definition is located in the Sign Code. This definition only contemplates vehicular encounters at street intersections. The proposed definition to be included in the Fence Code also creates sight triangles at intersections of driveways with streets, so that fences will not be permitted to obstruct a driver's vision of pedestrians and vehicles while using a driveway to exit a property. In addition to the definition of "sight triangle", the appropriate language is added to §6-12-8(D) and §6-12-8(L). We note that only fences in front yards and side yards adjoining streets would be affected by the proposed sight triangle restriction. The restriction does not apply to fences located in rear yards for the following reasons: ⁽ⁱ⁾ rear yards can be located at street intersections, in which case the application of a sight triangle is judged unnecessary, and ⁽ⁱⁱ⁾ driveways are not located in rear yards adjoining a street, and so the concern with pedestrian or vehicular conflicts is not present.
8. **Maximum height of natural fences in front and corner side yards.** At the Committee of the Whole meetings, it was suggested that natural fences in front and corner side yards should be limited to 36 inches in height. There is no maximum height for natural fences in either the current Fence Code or the review committee's recommendations. The concern is that natural fences can grow into a sight triangle over time.

Options:

- Set a maximum height for natural fences in front and corner side yards, either at 36 inches or a figure to be determined, or
- maintain the current standards.

Staff's recommendation is to maintain the current standards. Encroachments into the sight triangle are already disallowed and are enforced on a complaint basis.

9. **Outdoor storage to be prohibited in dog runs.** During the discussion by the Committee of the Whole, it was suggested that outdoor storage should not be allowed in dog runs. Outdoor storage is not disallowed in the residential zoning districts at this time, and staff has enforced this issue from a property maintenance standpoint. That is, materials may be stored neatly outdoors in residential properties.

Options:

- Prepare a text amendment to the Property Maintenance Code, or
- maintain the current conditions.

Staff's recommendation is to maintain the current conditions. We do not see a need to add property maintenance regulations to the Fence Code or Property Maintenance Code.

10. **Disallow barbed wire in business districts.** Staff received concurrence from the Committee of the Whole that barbed wire should not be permitted in the business zoning districts, and the appropriate text has been added.
11. **Maximum height of commercial/industrial fences to include barbed wire (§6-12-11).** The review committee intended to create a uniform fence height, with or without barbed wire, of seven feet in the business and industrial zones. Barbed wire was to be included in the height determination. The Committee of the Whole agreed that barbed wire should not be permitted in the business zoning districts (§ 6-12-8(J)) unless a variation is approved, and the appropriate text has been added.

Options:

- adopting the review committee's recommendation,
- maintain the current Fence Code requirements, which set a maximum height of seven feet, not including barbed wire, or
- select a maximum height other than seven feet for fences in the business and/or industrial zones.

Staff's recommendation is to maintain the current code requirements. We believe including barbed wire in the height determination may actually result in a less uniform appearance of adjacent fences, since the actual fence height of a fence with barbed wire would need to be less than an adjacent fence without barbed wire. Also, for safety reasons, barbed wire should not be located so low as to be dangerous to passersby. If the top of the barbed wire were at seven feet, then the bottom strand may be as low as six feet.

SUMMARY OF MISCELLANEOUS CHANGES NOT AT ISSUE

In order to improve the Fence Code in terms of accuracy, ease of use and consistency, and also as a result of comments received from the Committee of the Whole, the following minor text and formatting changes are proposed:

1. A number of revisions are based on an effort to create consistency within the document, both in language and content.
2. The language was made clearer and simpler to the reader, and some minor spelling corrections were made.
3. Text which was not pertinent to the issue being discussed was deleted or relocated. For example, where regulatory standards were contained in the

"Definitions" section, that text has been relocated to the appropriate regulatory section of the code.

4. Text which was found to be redundant with other text has been deleted or relocated.
5. Paragraph headings have been provided to make it easier to find particular topics.
6. Where the word "fence" clearly meant "structural fence," the text has been so revised.
7. The definition of Split Rail Fence was revised in order to clarify the intent of the code to allow split rail fence as either decorative or structural, albeit with different standards.
8. A definition for Model Home Fence was added.
9. §6-12-5 was revised to make clear that a permit is not be required for a decorative fence, natural fence or model home fence.
10. Text was added to §6-12-8 to prevent fences from interfering with utility structures or inhibiting drainage.
11. §6-12-9(C)(2) was added in order to include an item to address fences adjacent to arterial streets within §6-12-9(C) *Fences Adjacent to Streets*.
12. Illustrative sketches have been added to §6-12-9, items C3 through C6.
13. The 5-acre minimum size requirement in §6-12-9(D)(9) has been eliminated, because public lots can be found in Carol Stream as small as ¼ acre.
14. A height standard for trash enclosures in the multifamily properties has been added to §6-12-9(D)(10).
15. Text was added to §6-12-12 to better coordinate the requirements of the Fence Code with those of Chapter 9 *Health Regulations* regarding dog runs.

In this report, the current and proposed Zoning Code language is presented. Current text that is proposed to remain is presented in standard text, while current text that is proposed for deletion is presented in ~~striketrough~~. Finally, recommended new text is underlined. Staff encourages PC/ZBA discussion and questions during the review of the proposed text amendments.

Staff recommends approval of the presented text amendments, although we do encourage PC/ZBA discussion and input. The PC/ZBA can recommend approval or denial of the proposed text amendments, or they can recommend additional revisions to proposed text language. Final approval authority for the text amendments rests with the Village Board.

Chairman Pro-Tem Michaelson started the discussion with the first item, back-to-back fences.

Commissioner Manzzullo said that as long as there is a three-foot separation between fences, he does not have a problem with that.

Commissioner Vora said that he agrees with the three-foot separation.

Commissioner Spink asked why other municipalities, such as Glendale Heights, Hanover Park, West Chicago and Bartlett used for comparisons? She noted that they are surrounding towns to the Carol Stream area and she feels that those codes would be pertinent, unless it was stated that they did not have one. Community Development Director Glees said that they were trying to keep the project manageable. Commissioner Spink commented that she thinks it is far-fetched to use Schaumburg and Hoffman Estates. Mr. Glees said that he did try to obtain most of the Codes on line, and that is really the reason. He has 30 or 40 municipal web sites in his 'Favorite Places' and he did go to quire a few to try to find the codes on line and it was very difficult. Commissioner Spink said that she feels that if the Village is trying to make something more universal and sort of blend in with out neighbors, staff should have done this closer to home. Mr. Glees said that if there were ten towns selected to look at regarding any issue, there could be ten different standards and his would suggest that in order to try to maintain consistency, with what has historically been allowed in Carol Stream , and so as not to make changes that would make almost every fence in town non-conforming. Mr. Glees said that if we are interested in making a change, perhaps a good reason would be because most of the other towns do have a regulation that is different than ours and ours is being perceived as unreasonable in some way. Rather than try to make our Fence Code as similar as possible to as many communities as possible. He said that he went to the other codes were other changes were being suggested. One example is split rail fences, whether they should be allowed, where they should be allowed, how tall they should be, what has been allowed in the past and so the other communities as a purpose of comparison. There was quite a diversity in regard to this subject.

Commissioner Smoot said that he has a problem with the three-foot separation, but the recommendation is against that. Mr. Glees said that the Codes do not require that, and staff is not recommending that that be implemented.

Chairman Pro-Tem Michaelson commented that he would not like to take three feet of his property away from usage of his yard. He said that he is not opposed to back-to-back fences. Mr. Svalenka commented that the code would allow that fences be directly adjacent, not one foot apart. It was the consensus of the Commissioners to have the Code remain silent of the issue and allow back-to-back fences does the current Fence Code.

The Commissioners concurred to have the Code remain silent and allow back-to-back fences.

In regard to the height of chain link fencing, the Commissioners concurred to maintain the current Fence Code requirements which set a maximum height of five feet but allow lesser heights.

In regard to the height of residential structural fences to be fixed at five feet or six feet, depending on location, Commissioner Manzzullo asked staff to elaborate on the phrase "depending on location". Mr. Glees said that the concern was that there are many streets in the Village which have back yards facing the street right-of-way so there are rows of fences along the streets. There is no requirement for uniformity and it was felt by some that there should be uniformity. The thinking was that for rear yard fences that are adjacent to higher traffic streets, the height should be six feet and it should be a

wood fence of a dog-eared type and for other street that are not necessarily high traffic, the fence should be five feet and of a certain type of wood. The goal would be to have a uniform-looking corridor. Mr. Glees said that if we were to go with something like that, I didn't really get very elaborate in arguing for or against. This is perhaps, the most high profile issue of what the community came out with five years ago. The concern among those who did not favor a uniform fence, there were several, one was that if a uniform fence is required does that mean that when someone wants to replace their fence, they then have to buy this certain type of fence and perhaps it costs more than their budget, would the Village subsidize these fences. Would the Village pay for the fences in their entirety? If a fence were to blow down or become damaged and needed to be replaced, and it was a stockade fence would be more economical, is it practical to ask a resident to pay for a more expensive fence. What about someone who has a row of evergreen trees, that look very nice and are a natural fence, would they be expected to cut those trees down and put a fence up, or would that be existing non-conforming? Those are some of the concerns. In response to the question of what staff is recommending, Mr. Svalenka said that it would be the current code, which would mean there would be no code. It would only allow maximum heights. Mr. Glees said that we don't have a current standard, but we have a maximum height and allowable materials. In response to the question of someone putting up a chain link fence, Mr. Glees noted that chain link is an allowable material. He said that the Commissioners should feel free to make suggestions, and if the majority of this Board feels that perhaps there should be restrictions about chain link fences abutting roadway corridors, they are entitled to make such a recommendation. Chairman Pro-Tem Michaelsen suggested to the Board that they recommend that any fence on arterial streets that the fence be a wood product, and on the side yards, cyclone fences would be allowed. He asked if this is changed to provide that on arterial streets fences would have to be 6 ft. in height and of a wood product and a resident wanted to replace a chain link fence it would have to be with the wood product? Mr. Svalenka defined the issue as changing the Code to prohibit chain link adjacent to arterial streets or have specific materials including PVC. Commissioner Spink said that she is opposed to limiting choices.

Commissioner Hundhausen said that she too is opposed for the reason of requiring some residents to pay more for their fences.

Commissioner Smoot said that he objects since requiring wood fencing does not guarantee uniformity since residents can paint their fence any color, or any stain or just nothing.

Commissioner Christopher concurred with the others.

Chairman Pro-Tem Michaelsen said that it is 6 to 1 to maintain the current Fence Code requirements, which set a maximum height but allow lesser heights

In regard to #4, Fences adjacent to streets must be wood, and fences adjacent to arterial streets must be a certain type of wood it was the consensus of the Board to maintain the current Fence Code requirements, which set a maximum heights but allow lesser heights, and do not specify a fence type, color or material.

In regard to # 5, Location of fences adjacent to street revised. Mr. Svalenka stated that the current Code requires fences along streets to be setback 5 feet or 25 feet and staff is proposing to eliminate that required setback to the property. The Board concurred with the staff recommendation to remove the setback requirements.

In regard to # 6, Maximum height of residential decorative fences reduced to three feet. Mr. Svalenka stated that staff is recommending that we allow split rail fences be three feet in the front yard and four feet in the corner side yard. Chairman Pro-Tem Michaelsen noted that it is 5 to 2 to retain the current Code. It was noted that a permit is not required to install a decorative fence.

In regard to # 7, Definition of "sight triangle" added, the consensus of the Board was to agree with the Staff recommendation to add this definition.

In regard to #8, Maximum height of natural fences in front and corner side yards, the consensus of the Board is to maintain the current standards.

In regard to #9, Outdoor storage to be prohibited in dog runs, Mr. Svalenka stated that staff is recommending to maintain the current code as this is addressed through the Property Maintenance Code. It was the concurrence of the Board to maintain the current code.

In regard to # 10, Disallowed barbed wire in business districts, Commissioner Spink and Commissioner Hundhausen noted that barbed wire was just approved for an area that is part business and part residential and asked where that fits in. Mr. Glees said that that case was due to Homeland Security Department and was approved as a variation to the Code. If there was a need for barbed wire, it would be considered as a special case and a variation would need to be approved. It was the consensus of the Board to maintain the current standards.

In regard to #11, Maximum height of commercial/industrial fences to include barbed wire, it was the consensus of the Board to concur with the staff recommendation to maintain the current code requirements.

Commissioner Vora asked about getting the fences on County Farm Road between North Avenue and Birchbark Trail into some kind of conformity and Mr. Svalenka said that staff has recommended that we do not have a specific material or height requirement, there would be just a maximum height and a list of permitted materials. Commissioner Vora commented that this just doesn't look good and Mr. Glees responded that the other side of that problem is that people would be required to have a certain type of fence and everyone would be required to have a fence and in all fairness, who should bear the cost of that fence? Should it be the individual property owner who would have no say in it, or would it be the Village, who is imposing the regulation? Commissioner Smoot asked if we couldn't just give them a can of paint and paint them all the same color? It was suggested that maybe the Village could come along and spray them.

Commissioner Manzullo asked what would happen with a natural fence that has grown up into the site triangle and it was determined that it should be reported to Community Development for follow-up with the owner.

Chairman Pro-Tem Michaelsen asked about the height of a dog run which can be up to eight feet if constructed of chain link. He commented that he would be opposed to have someone who has a five-foot chain fence putting up a dog run that is eight feet high at the side of the house. Mr. Glees explained that what is used to say is "the height of a dog run shall be as permitted, within the Zoning District, unless it is constructed entirely of chain link, which may be eight feet high". Mr. Svalenka said that dog runs always

require approval of the Zoning Board of Appeals and are also not allowed in a side yard. They are only allowed in a required rear yard. The Code currently says that "The Zoning Board of Appeals shall review the location with respect to its effect on surrounding residences." Chairman Pro-Tem Michaelsen questioned allowing the pavement in the back yard in a dog run, suggesting that maybe the base should be stone. Mr. Svalenka stated that any paving would have to meet lot coverage requirements. Mr. Glees said that this is probably something that came out of the discussions held and it appears that there was no opposition to letting it remain in the Code.

Commissioner Hundhausen moved to recommend approval of all of staff's recommendations except for # 6 where the split rail height is to remain at 48" for side and back.

Chairman Pro-Tem Michaelsen asked to review # 6 saying that staff recommendation is to lower the height of split rail fences in front yards to three feet.

At this point Commissioner Hundhausen withdrew her motion.

At the request of Commissioner Manzzullo Mr. Svalenka re-read the item, "regarding the maximum height of residential decorative fences to be reduced to three feet, the review committee believed that the current standard of four feet high is too high for a fence to be considered decorative and recommends a height of 36 inches. In addition, one of the comments received from the Committee of the Whole was that decorative and split rail fences should be no more than 24 inches in height. The options are to adopt the review committee's recommendation or to maintain the current Fence Code requirements which sets a fence height at 48 inches or select a maximum height other than 48 inches such as 36 inches for decorative fences and 24 inches for split rail fences. the fence regulations for decorative and split rail fences in other communities are as follows:

Wheaton – Maximum height of three feet in the front yard and four feet in the side yard adjoining a street, 50% open, no limit on length.

Glen Ellyn – Does not address decorative or split rail fences.

Schaumburg – No fence of any kind allowed in front or side yards adjoining a street beyond the actual building line.

Hoffman Estates – Four feet in height, eight feet in length, 80% open, permitted at lot corners.

Carol Stream's current regulations for decorative fences are fairly similar to Wheaton's, the differences being that Wheaton has no limitation on the length and such fences may only be three feet in height in a front yard. Staff's recommendation is to strike a compromise with the recommendation of the Review committee by adopting regulations similar to Wheaton's. We believe limiting split rail fences to only two feet in height is not reasonable, but that three feet in the front yard and four feet in the corner side yard seem practical.

A poll of the Commissioners showed a 4 to 3 in favor of staff's recommendation to allow three-foot height in the front yard and four feet in the corner side yard.

Mr. Svalenka suggested that someone make a motion with out a condition or with a condition and if the condition was made as a part of the motion, he suggested taking a roll call vote including that condition in the motion. Whatever the results of that, take a roll call vote on the motion.

There was discussion regarding specific scenarios and the issues of changing the existing regulations and the impact on residents when existing fences have to be replaced.

Commissioner Manzzullo moved and Commissioner Hundhausen made the second to recommend approval of all staff recommendations except for Item # 6, for which we recommend maintaining the current code. The results of the roll call vote were:

Ayes:	5	Commissioners Manzzullo, Christopher, Smoot, Vora & Hundhausen
Nays:	2	Commissioner Spink and Michaelsen

Commissioner Manzzullo moved and Commissioner Hundhausen made the second to recommend approval of the text amendment – fence code including the exception as voted on previously. The results of the roll call vote were:

Ayes:	7	Commissioners Manzzullo, Christopher, Smoot, Vora, Spink, Hundhausen and Michaelsen
Nays:	0	

At 9:05 PM Commissioner Manzzullo moved and Commissioner Spink made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD