



PUBLIC MEETING NOTICE AND AGENDA
PLANNING AND ZONING COMMISSION MEETING

November 16, 2020

7:30 p.m.

AGENDA

This Meeting will be Conducted Remotely

Due to the Governor's order restricting gatherings of people, and in an effort to minimize the potential spread of COVID-19, this meeting will take place remotely using GoToMeeting.com. The Village encourages anyone who wishes to address the Planning and Zoning Commission to submit a written statement to be read aloud at the meeting. Please submit to Interim Community Development Director Ann Marie Hess at ahess@lith.org a written statement by 4 p.m. on November 16, 2020. You may also join the meeting remotely by using your phone and **dialing 1 (872) 240-3212 Access Code 173-872-797** or join via computer, tablet or smartphone at the link below:

<https://global.gotomeeting.com/join/173872797>

When you join the meeting, please announce yourself as a member of the public. Please be aware that the meeting will be recorded.

1. Call to order
2. Roll call
3. Approval of the October 12, 2020 Planning and Zoning Commission meeting minutes
4. New business
 - a. Change the zoning classification from B-2 to R-2 at 1126 West Algonquin Road
5. Old business- None
6. Items for discussion- Section 16, Fences, and Section 3, Definitions of the Lake in the Hills Zoning Ordinance
7. Staff report
 - a. October 2020 Board of Trustees meeting
8. Audience participation
9. Trustee liaison report
10. Next meeting is scheduled for December 14, 2020
11. Adjournment

Village of Lake in the Hills
600 Harvest Gate
Lake in the Hills, IL 60156

The Village of Lake in the Hills is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at 847-960-7414 (TDD 847-658-4511) promptly to allow the Village to make reasonable accommodations for those persons.

Posted by: Laura Pekovic

Date: November 13, 2020

Time: 5:00 p.m.



Chairman DeMay called to order at 7:30 p.m. the meeting of the Lake in the Hills Planning and Zoning Commission.

ROLL CALL

Commissioners Brent Borkgren, Michael Esposito, Anna Siakel, John Murphy, Craig Bolton, and Chairman DeMay were present. Commissioner Greg Walker was absent. Also in attendance were Interim Community Development Director Ann Marie Hess and Administrative Specialist Laura Pekovic.

APPROVAL OF MEETING MINUTES

Commissioner Siakel made a motion to approve the Commission meeting minutes of September 14, 2020, and Commissioner Esposito seconded. Motion carried 6-0.

NEW BUSINESS

1. Request for a Variance to the Lake in the Hills Zoning Ordinance, Section 15.3-2, Fencing in Rear and Side Yards, at 261 Wright Drive

Staff Report

Interim Community Development Director Hess reviewed the Request for Commission Action dated October 12, 2020.

Discussion and Comments by Staff and the Planning and Zoning Commission

Mr. Jacob Gregory, homeowner of 261 Wright Drive, spoke. He stated that he wants to keep his young children safe from the neighbor's dogs, and he wants a solid fence for privacy from neighbors having parties outside and not wearing masks. Commissioner Siakel mentioned that the police and fire department may need the 30 percent open for surveillance. The petitioner stated that surrounding communities, such as Crystal Lake, allow flat panel fences, and that he was requesting vinyl because it is easier to care for. Director Hess indicated upon inquiry with Chief Brey prior to the meeting, the Police Department would not be opposed to permitting solid fences. Director Hess also stated some surrounding communities allow solid fencing, and that staff receives weekly requests from residents wanting to install solid fencing. There was discussion with the Commission about setting precedence, continuity of the neighborhood, the pros and cons of solid fencing, and vinyl versus wood materials. Chairman DeMay suggested the 30 percent open requirement could be reviewed by the Commission next month. Commissioner Borkgren stated he would approve a solid fence, but would like to see it constructed of wood to blend with other fences in the neighborhood. Commissioner Esposito stated the fence should be constructed of wood for strength. Mr. Gregory said that he would accept needing to install wood if he could just get approval for a solid fence.

Kathleen Trautman, neighbor spoke. Her concern is for the police department and that the police and the neighbors are protected. She respects Mr. Gregory's desire to protect his children. She would like to find a compromise that is fair to everyone. Chairman DeMay wanted a discussion for possible text amendments to be on the November 2020 Planning Commission agenda.

Commissioner Borkgren made a motion to approve the variation request to Section 15.3-2, Rear and Side Yards, which requires the fence to be 30 percent open, to recommend approval to the Village Board to allow a solid wood fence at 261 Wright Drive. The motion was seconded by Commissioner Esposito. On a roll call vote Commissioner Esposito, Murphy, Borkgren, and Chairman DeMay voted Aye. Commissioner Siakel and Bolten voted No. Motion carried 4-2.

There was discussion among the group regarding the revisiting of certain codes that need revising, and Chairman DeMay asked staff that it be put on the agenda for the next Planning & Zoning meeting.

OLD BUSINESS--None

ITEMS FOR DISCUSSION – None

STAFF REPORT

- a. September 2020 Board of Trustees meeting – All of these previously approved Planning & Zoning agenda items were approved by the Village Board of Trustees: Fence variation at 1610 Royal Oak Lane; two accessory structure variations at 4660 West Algonquin (Butcher on the Block), approval of a sketch plan, conditional use, and two variations for Arden Rose Senior Living at 700 East Oak Street, and text amendments to Section 16, Signs, of the Zoning Ordinance.
- b. Administrative variations were granted for 2900 Brisbane Drive and 2891 Melbourne Lane per Section 15-3-1 (G), for side yard fence location.

AUDIENCE PARTICIPATION – None

TRUSTEE LIAISON REPORT – None

Commissioner Borkgren made a motion to adjourn the meeting and was seconded by Commissioner Siakle. All in favor voted Aye. Chairman DeMay adjourned the meeting at 8:06 p.m.

The next Lake in the Hills Planning and Zoning Commission meeting is scheduled for Monday, November 16, 2020 at 7:30 p.m.

Laura Pekovic,
Administrative Specialist

REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



PLANNING AND ZONING COMMISSION

MEETING DATE: November 16, 2020

DEPARTMENT: Community Development

SUBJECT: 1126 W. Algonquin Road- Rezoning from B-2 to R-2

EXECUTIVE SUMMARY

General Information

Requested Action: Rezoning of 1126 W Algonquin Rd- Parcel 19-28-179-022 from B-2 to R-2

Owner: Lindy and Michael Lange

Applicant: Lindy and Michael Lange

Purpose: Change the zoning classification of the parcel to permit a single-family residential use.

Location and Size: 1126 W. Algonquin Rd; .26 acres

Zoning and Land Use:

Site:	B-2, Neighborhood Convenience Business District
North:	R-2, One Family Dwelling District
East:	R-2, One Family Dwelling District
South:	Algonquin Road frontage and business
West:	B-1, Transitional Business District

Background

The petitioner requests to amend the zoning classification of the parcel to match the zoning classification of the intended use of the property as a single-family residence, with no neighborhood convenience business activity on the parcel. The petitioner will remove the ground sign from the property.

Standards and Findings of Facts for Rezoning per Section 22.5 of the Zoning Ordinance

Before recommending any Zoning Map Amendment (Rezoning), the Planning and Zoning Commission and the Board of Trustees shall first determine and record its findings based on the following criteria :

1. What are the existing uses of the property within the general area of property in question?

There is a mix of existing uses on the parcels within the general area. The majority of parcels in the area are being used as single-family residences, with a few currently occupied by businesses.

2. What are the zoning classifications of the property within the general area of property in question?

There is a mix of zoning classifications within the area of the property consisting of R-2, single-family dwellings, B-1 transitional business, and B-3 general business.

3. What is the suitability of the property in question of the uses permitted under the existing zoning classification(s)?

The property is not well-suited for commercial use due to limited frontage, parking, setbacks, and area for vehicular movement on the site. The general layout and systems within the structure itself are consistent with a single-family residence.

4. What is the trend of development, if any, in the general area of the property in question?

The petitioner indicates the predominant interest in the property is for residential use.

5. What is the length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property?

It has been occupied by the property owner continuously as a light business use.

6. What is the projected use of the property, as indicated in the Comprehensive Plan?

The property falls within a general area indicated for commercial use, with nearby parcels indicated for residential use. However, the parcel and surrounding parcels were originally constructed as single-family residences.

ATTACHMENTS

1. Application
2. Zoning Map
3. Site Plan
4. Photos

RECOMMENDED ACTION

The Commission recommends approval to the Village Board for the rezoning of 1126 W. Algonquin Road, Parcel 19-28-179-022 from B-2 to R-2, and allow for the property to be used as a single-family residence.

RECEIVED

OCT 26 2020

Village of Lake in the Hills
Community Development

APPLICATION

Date Filed (Staff Use Only): _____

Property Information

Common street address: 1126 W. ALGONQUIN RD, CHITW

PIN (Property Index Number): 19-28-17-90-22

Current Zoning: B-2 Proposed Zoning: R2

Current Use: Office Proposed Use: Home

Is the request consistent with the Comprehensive Plan? Yes

Number of Acres: 1 **If greater than 4 acres, 2 acres for government property or 5 acres for manufacturing zoned land, application shall be processed as a Planned Development as a Conditional Use. See definition of Planned Development and PD Section of Zoning Ordinance.**

Legal description of the property (print or attach exhibit): _____

Property Owner Information

Name(s): LINDY & MICHAEL LANGE

Business/Firm Name (if applicable): —

Address: 610 LONG COVE DR

City/State/Zip: LAKE IN THE HILLS, IL

Phone Number: 847-951-6777

Email: mike@LNRinsurance.com

Applicant Information

Name(s): SAME

Business/Firm Name (if applicable): _____

Address: _____

City/State/Zip: _____

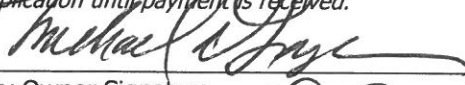
Phone Number: _____

Email: _____


Application Request

1 Request	2 Select Request with "X"	3 Required Fee ac = acre	4 For Requirements See Appendix	5 Public Hearing Required See Appendix A2	6 Total Fee (enter amount per column 3)
Annexation		\$1,000/ac payable upon annexation	D	Yes	
Sketch Plan		\$0	E	No	
Tentative Plan		\$500 + \$10/ac	F	No	
Final Plat		\$500 + \$10/ac	G	No	
Plat of Vacation and/or Resubdivision Plat		\$500 + \$10/ac	H	No	
Conditional Use		\$500 + \$10/ac over 2 ac	I	Yes	
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	\$500
Text Amendment		\$500	K	Yes	
Variance – Residential		\$100	L	Yes	
Variance – Non-Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	M	No	
Total Fees – add column 6 (Separate Check)					\$500
Additional Fees					
Stormwater Permit Application Fee to be paid at time of permit issuance (Separate Check)					
Minor = \$250 Intermediate or Major = \$1,000					
Reimbursement of Fees Required Appendix B = \$2,000 + \$100/acre for every acre over 5 acres (Separate Check)					

If the Village provides a sign to publicize a public hearing related to this application, the applicant accepts responsibility to ensure the sign is returned within one week after completion of the hearing. The applicant further agrees that if the sign is not returned, they will compensate the Village \$75.00 to allow for a replacement of the lost sign and agrees the Village may withhold approval of their application until payment is received.


 Property Owner Signature _____ Date _____

If Owner/Applicant is a School District please, fill out and submit


 Applicant Signature _____ Date _____

Appendix N

All required appendices and documentation shall be submitted with this application. Incomplete applications will not be processed.

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OCT 26 2020

Village of Lake in the Hills
Community Development

Property Index Number/Address: 19-28-17-90-35

Current Property Zoning: B2

Current Property Zoning: R2

Standards and Findings of Facts for Rezoning per Section 22.5 of the Zoning Ordinance

Before recommending any Zoning Map Amendment (Rezoning), the Planning and Zoning Commission and the Board of Trustees shall first determine and record its findings based on the following criteria. Please answer the following questions.

1. What are the existing uses of the property within the general area of property in question?

Residential plus 1 commercial

2. What are the zoning classifications of the property within the general area of property in question?

R2

3. What is the suitability of the property in question of the uses permitted under the existing zoning classification(s).

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4. What is the trend of development, if any, in the general area of the property in question?

Trend toward residential

5. What is the length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property?

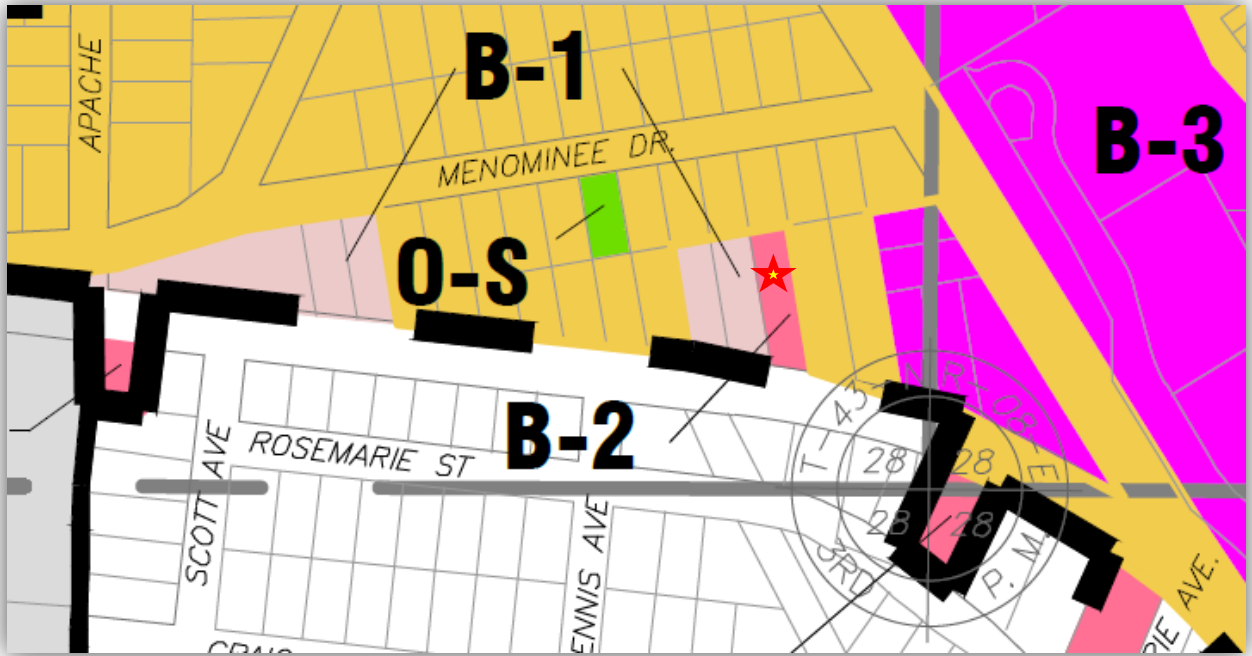
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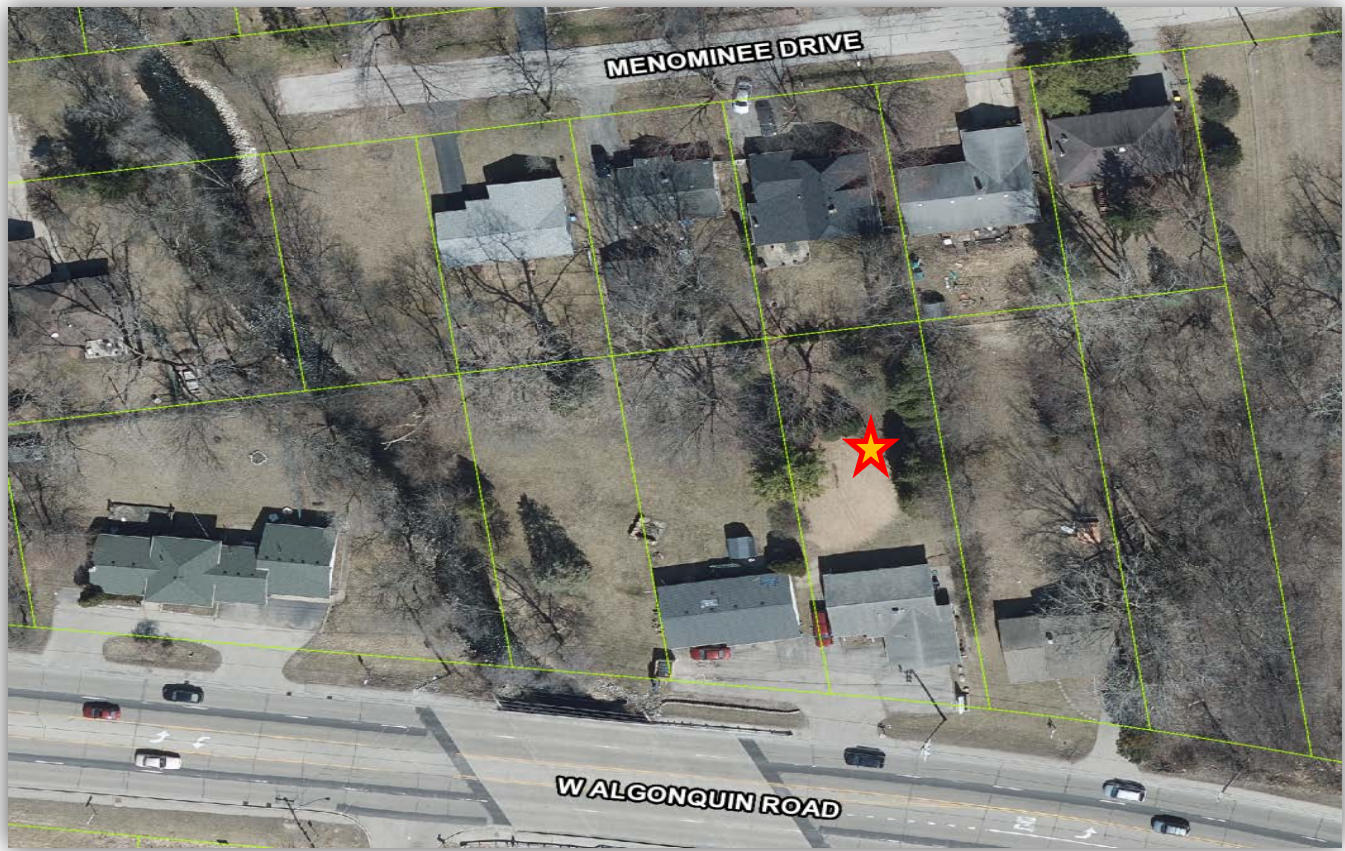
6. What is the projected use of the property, as indicated in the Comprehensive Plan?

RESIDENCE

Michael D. Lantz *10/24/20*
Property Owner's Signature Date

Michael D. Lantz *10/24/20*
Applicant's Signature Date









INFORMATIONAL MEMORANDUM

PLANNING AND ZONING COMMISSION

MEETING DATE: November 16, 2020

DEPARTMENT: Community Development

SUBJECT: Fence Section and Definitions --Section Updates to the Zoning Ordinance

EXECUTIVE SUMMARY

Commissioners, staff, and the planning consultant will discuss potential updates to Section 15, Fences, and Section 3, Definitions of the Zoning Ordinance. This month's discussion will focus on customer service enhancements to incorporate provisions for frequently requested type fences, and clarify wording for applying ordinance provisions. As it relates to fence locations and other provisions throughout the Zoning Ordinance, it is proposed that definitions for yards be clarified and established in the Definitions Section of the Zoning Ordinance.

FINANCIAL IMPACT

None

ATTACHMENTS

1. Draft revisions- Section 3, Definitions, of the Zoning Ordinance
2. Draft revisions- Section 15, Fences, of the Zoning Ordinance

SUGGESTED DIRECTION

Open a discussion and provide direction to staff and the consultant concerning proposed changes to the Fence Section and Definitions Section of the Zoning Ordinance.

Zoning District: A geographical area within the limits of the Village in which the regulations and requirements governing the use of land are uniform.

Zoning Map: The map incorporated into this Zoning Code designating zoning districts.

Zoning Lot: A plot of ground, made up of one or more parcels, that is, may be, or is intended to be occupied by a use, building or buildings including the open spaces required by this Zoning Code.

1. INTERIOR LOT:

Terms used in this subsection shall mean as follows:

A. Interior lot is any lot having a lot line fronting or facing only one street.

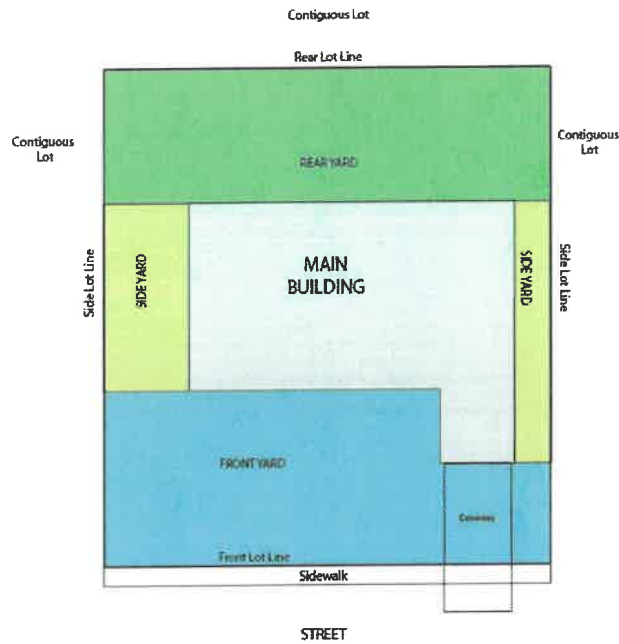
B. The front yard of an interior lot is the area extending across the front of a lot and being contained within the front lot line, the front elevation of the main building and the side lot lines. (See Illustration B.)

C. The rear yard of an interior lot is the area extending across the rear of a lot and being contained within the rear lot line, the rear elevation of the main building, the side lot lines and at the opposite end of the lot from the front lot line. (See Illustration B)

D. The side yard of an interior lot is the area extending along a side lot line and contained between the front and rear yards, the side lot line and the side elevation of the main building. (See Illustration B.)

ILLUSTRATION B

Interior Lot



2. CORNER LOT:

Terms used in this subsection shall mean as follows:

A. A corner lot is a lot situated at the junction of, abutting on or facing two intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less. Lot lines fronting, abutting or facing the streets shall be considered the front lot lines.

B. Corner lots have two front yards, as follows:

- (i) The front yard (front) is the area extending within and along the front lot lines to the side lot lines and then inward alongside lot lines to a point equal to that part of the main building (exclusive of projections) closest to the front lot lines and then continuing parallel to the front lot line and extending to the property line

along the adjacent street. (See *Illustration C*)

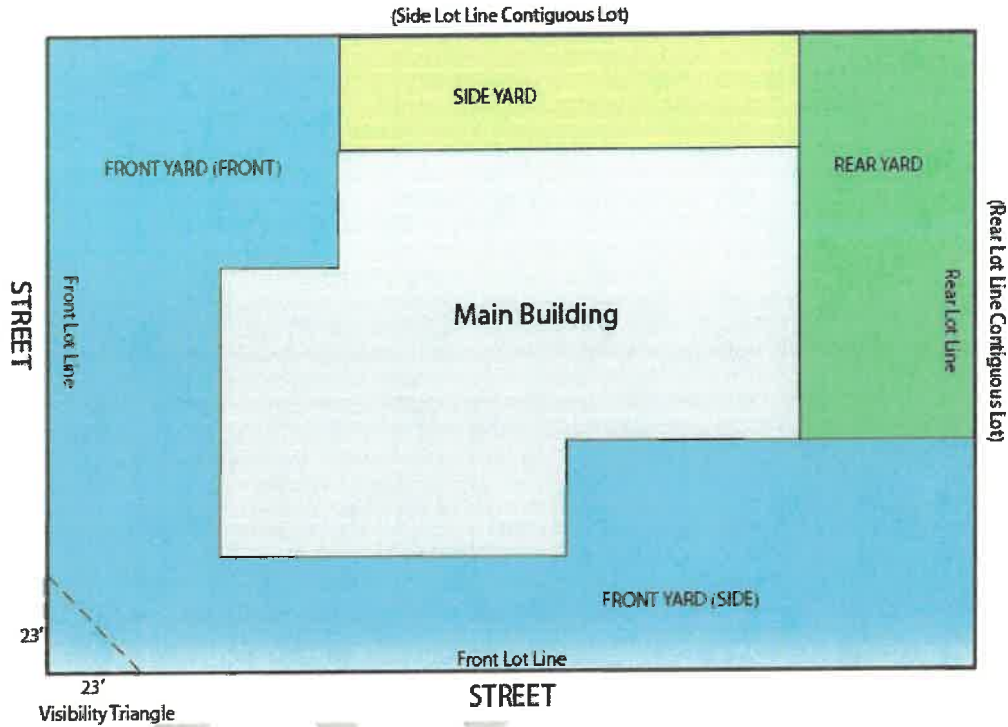
- (ii) The front yard (side) is that area contained between the front yard (front), the rear lot line, the main building and the front lot line abutting the adjacent street. (See *Illustration C*)

C. The rear yard is the area extending across the rear of the lot and parallel to the street upon which the lot has its shortest dimension. Such area shall be within and extending along the rear lot line to a point equal to that part of the main building (exclusive of projections) closest to the front lot line and then inward from the rear lot line to that part of the main building and from the rear lot line along the side lot line to a point equal to that part of the main building (exclusive of projections) closest to the rear lot line and then inward from the side lot line to that point of the building. (See *Illustration C*)

D. The side yard is that area remaining after establishing the front and rear yards or the area extending along the side lot line and contained between the front and rear yards, the main building and the side lot line. (See *Illustration C*)

ILLUSTRATION C

Corner Lot (Rear Yards Abutting)



3. THROUGH (INTERIOR) LOT:

Terms used in this subsection shall mean as follows:

A. Through (interior) lot is defined as a lot that has a pair of opposite lot lines along two more or less parallel streets and that is not a corner lot. On an interior through lot, both lot lines parallel to, fronting or facing a street shall be considered the front lot lines.

B. Through (interior) lots have two front yards, as follows:

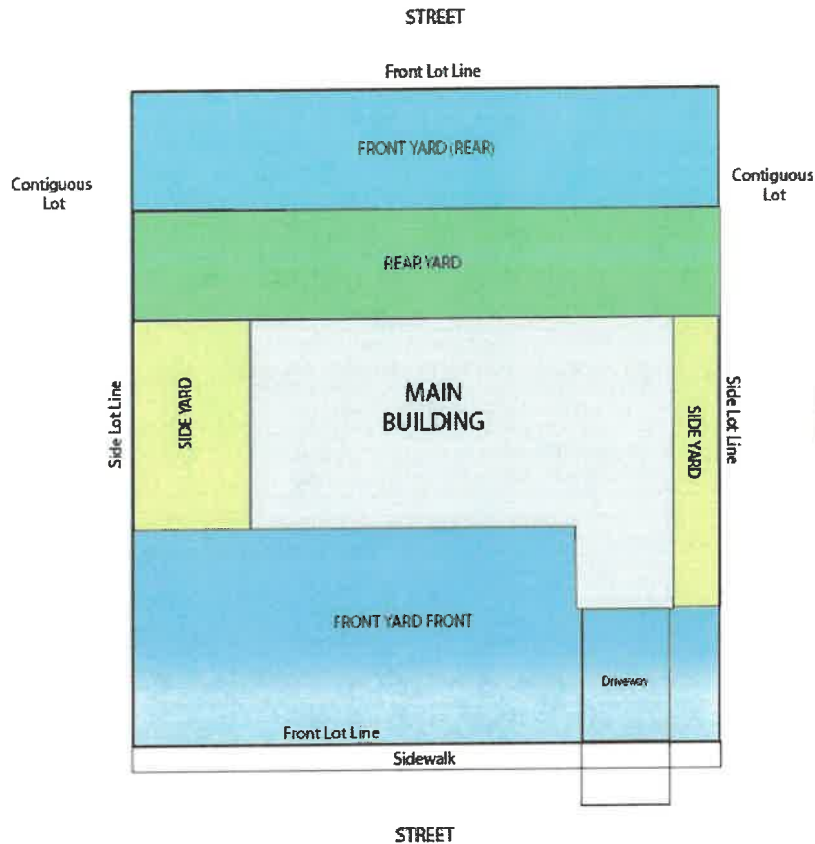
(i) Front yard (front) is the area extending across the front of the lot and being contained within the front lot line, the side lot lines and the front of the main building. (See Illustration D)

(ii) Front yard (rear) is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the side lot lines and for the minimum depth of front yard as required for the applicable zoning district. (See *Illustration D*)

C. Rear yard is the area remaining after determining the front yard (rear) and being contained within the side lot lines, the rear of the main building and front yard (rear). (See *Illustration D*)

D. Side yard is the area extending along a side lot and contained between the side lot line and the main building and the front yard (front) and the rear yard. (See *Illustration D*)

ILLUSTRATION D Through (Interior) Lot



4. THROUGH (CORNER) LOT:

Terms used in this subsection shall mean as follows:

A. Through (corner) lot is defined as a lot which has a pair of opposite lot lines along two more or less parallel streets and has another lot line fronting or facing another street or roadway and has its side lot line adjoining or contiguous to another lot or lots. On the corner through lot, all lot lines parallel to, fronting or facing any street shall be considered the front lot lines.

B. Front yards in through (corner) lots shall

have three front yards as follows:

(i) Front yard (front) is the area extending across the front of the lot with the least dimension and being contained within that front lot line, the front of the main building, the side lot line and its opposite front lot line. (See *Illustration E*)

(ii) Front yard (rear) is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the side lot line and its opposite front lot line and for minimum depth of a front yard as required for the applicable zoning district. (See *Illustration E*)

(iii) Front yard (side) is the area extending along the front of the lot with the greatest dimension and contained within the front yard (rear), the front yard (front), the front lot line and the main building. (See *Illustration E*)

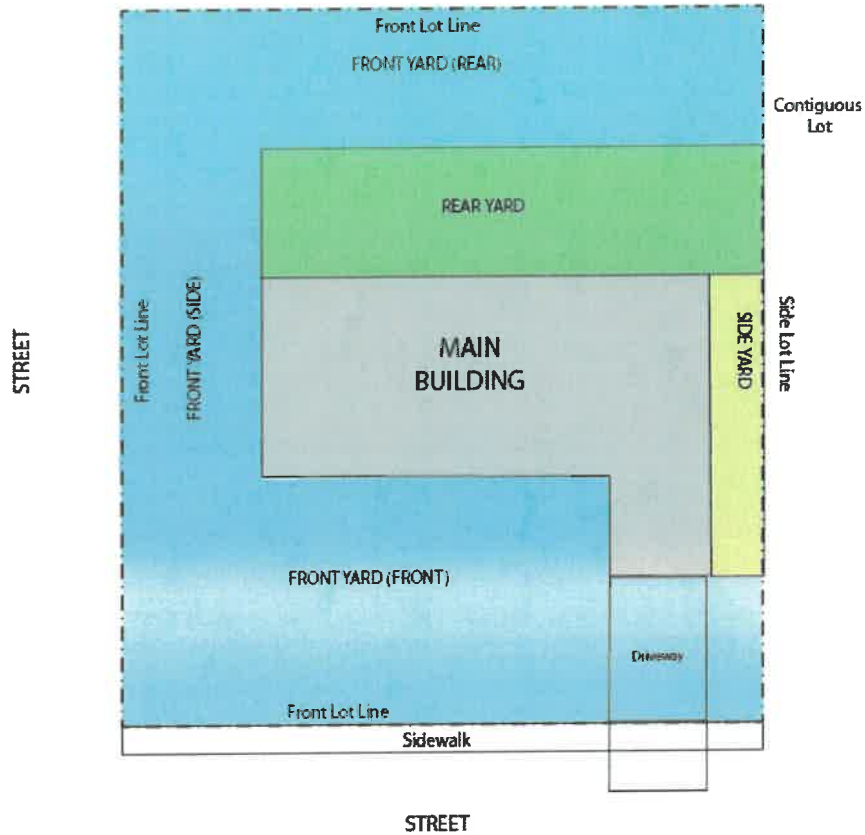
C. The rear yard is the area contained between the front yard (rear) and the main building and the side lot line and the front yard (side). (See *Illustration E*)

D. The side yard is the area extending along a side lot line and contained between the side lot line and the main building and the front yard (front) and the rear yard. (See *Illustration E.*)

ILLUSTRATION E

Through (Corner) Lot

NON-RESIDENTIAL STREET



5. THROUGH (ENTIRE BLOCK) LOT:

Terms used in this subsection shall mean as follows:

A. Through (entire block) lot is a lot which has all of its lot lines abutting, fronting on, or facing streets and which does not have any side lot lines. On a through lot (entire block), all lot lines abutting, fronting on or facing any street shall be considered the front lot lines.

B. A through lot (entire block) shall have four

front yards as follows:

(i) One, front yard (front), is the area extending across the front of the lot with the greatest dimension and being contained within the front lot line and the front of the building or buildings and the two front lines opposite from each other with the least dimension. (See *Illustration F*)

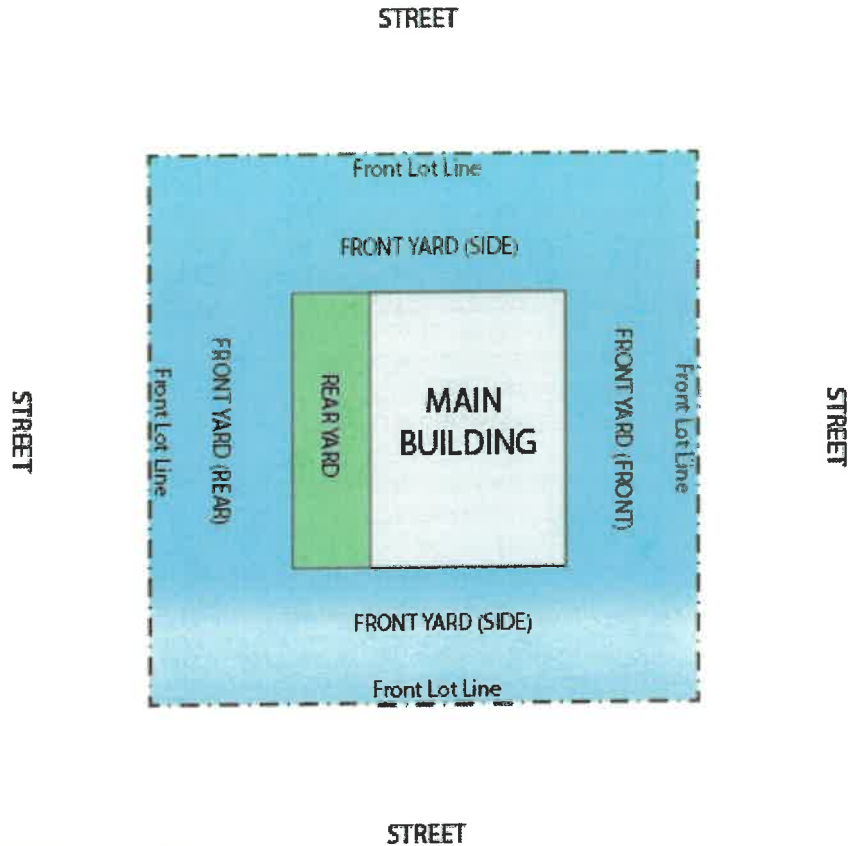
(ii) One, front yard (rear), is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the two front lot lines opposite from each other with the least dimension and for the minimum depth of a front yard as required for applicable zoning district. (See *Illustration F*)

(iii) Two, front yards (side), each shall be the area extending along the front of the lot with the least dimension and contained within the front yard (rear) and the front lot line and the main building. (See *Illustration F*)

C. Rear yard is the area contained between the front yard (rear) and the main building and the two front yards (side). (See *Illustration F*)

ILLUSTRATION F

Through (Entire Block) Lot



15.11 FENCES, REVERSED CORNER LOT

15.11-1 Terms used in this subsection shall mean as follows:

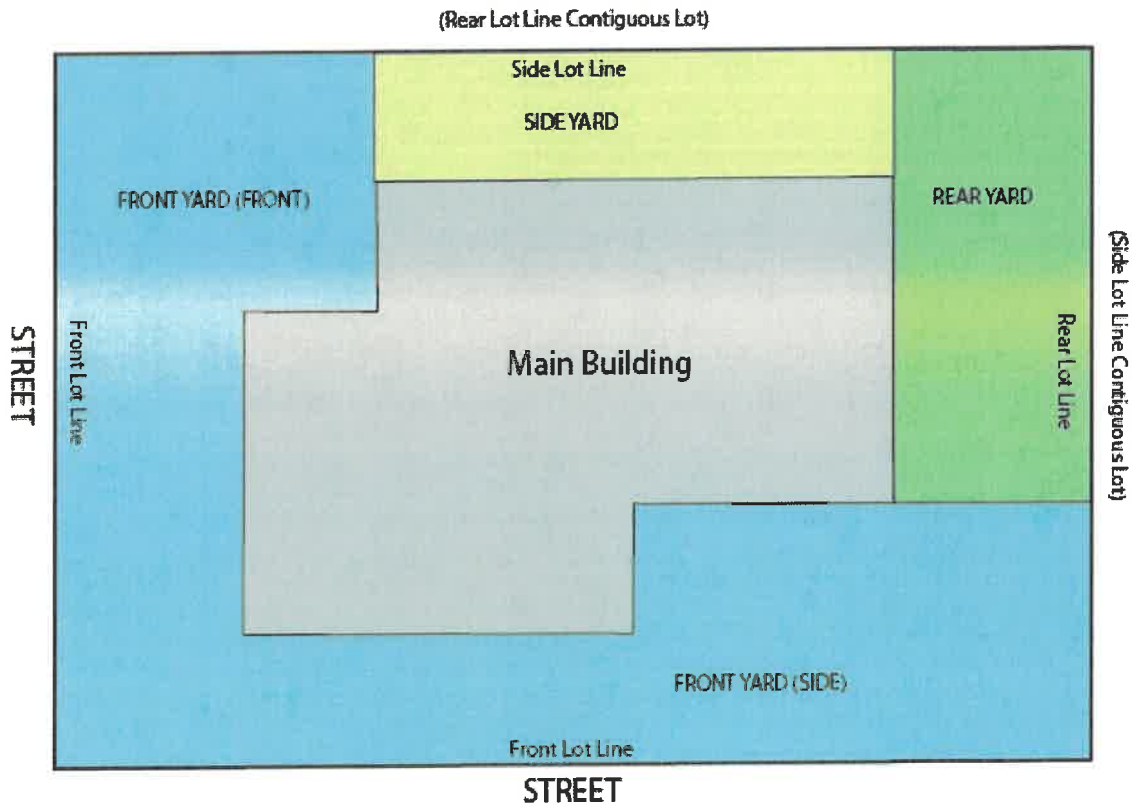
- A. A reversed corner lot is the same as a corner lot except that its front lot line with the greatest dimension is substantially a continuation of the front lot lines of the interior lots to its rear, and its rear lot line adjoins or abuts the side lot line of the lot to

its rear. Lot lines abutting, fronting or facing a street shall be considered the front lot lines.

B. Front yard, side yard and rear yard of a reversed corner lot is the same as the front yard, side yard and rear yard of a corner lot. (See Illustration G)

ILLUSTRATION G

Reverse Corner Lot (Rear & Side Yard Abutting)



SECTION 15

FENCES

15.1 GENERAL PROVISIONS:

15.1-1 *Permit Required:* No fence shall be constructed without a permit first having been properly issued therefor by the Village; ~~provided, however, that no permit shall be required for the installation of sections of decorative fencing in a front yard.~~ The fee for a fence permit shall be determined by the Board of Trustees.

15.1-2 *Plans Required:* The Community Development ~~Division~~Department shall require such plans and drawings as deemed reasonably necessary prior to issuance of a permit to assure compliance with this Zoning Code.

15.1-3 *Code Compliance Required:* All fences shall be constructed in conformance with the ordinances of the Village. The Community Development ~~Division~~Department shall inspect same for compliance.

15.1-4 *Barbed Wire;7 Dangerous Fences Prohibited:* With the exception of Section 15.14-2 no fence shall contain any barbed wire or be constructed in any way ~~so as to~~ potentially cause injury to any person.

15.1-5 *Maintenance:* All fences shall be maintained and kept in good condition.

15.1-6 *Airport District 1 Restrictions:* Fences in the AD-1 District shall be allowed only per the airport regulations described in Chapter 26 of the Municipal Code.

15.1-7 *Definitions:* See Section 3 for definitions of Front Yard, Front Yard (side), Front Yard side), Front Yard (Front), Side and Rear Yards, Through Corner Lot, Reverse Corner Lot, Interior Lot, Corner Lot, Through Corner Lot, and Through (entire block) Lot.

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15.1-8 *Nonconforming Fences:* All fences heretofore lawfully constructed and not conforming to the provisions hereof are declared legal nonconforming structures and may

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continue to exist, but shall not be reconstructed or altered, and if rebuilt, must conform to existing codes.

15.1-9 *Prohibition:* No fence shall be permitted in or on the property between the front lot line and the street.

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15.2 CONSTRUCTION STANDARDS:

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Widow/Orphan control

A. All fences shall be constructed of one or more of the following materials: suitable plastic material (PVC, vinyl, and composite), wood that is treated or a species that is naturally resistant to withstand decay and rot, chain link, decorative aluminum, wrought iron, or other suitable material.

B. All rails and supports shall be on the inside of the fence, such that the decorative side of the fence shall face outward from the property enclosed. Supports may also be internal to the fence so that both sides of the fence have the same decorative appearance.

C. All fence post holes shall be a minimum of 42 inches deep for five foot and taller fences. All fences less than five feet in height, may have post holes that are only 36 inches deep. Posts shall be securely anchored in the ground with concrete.

D. Fence, other than decorative corner fence, in excess of four feet in height are allowed to encroach 6 inches above the maximum height for posts or ornamental caps on posts.

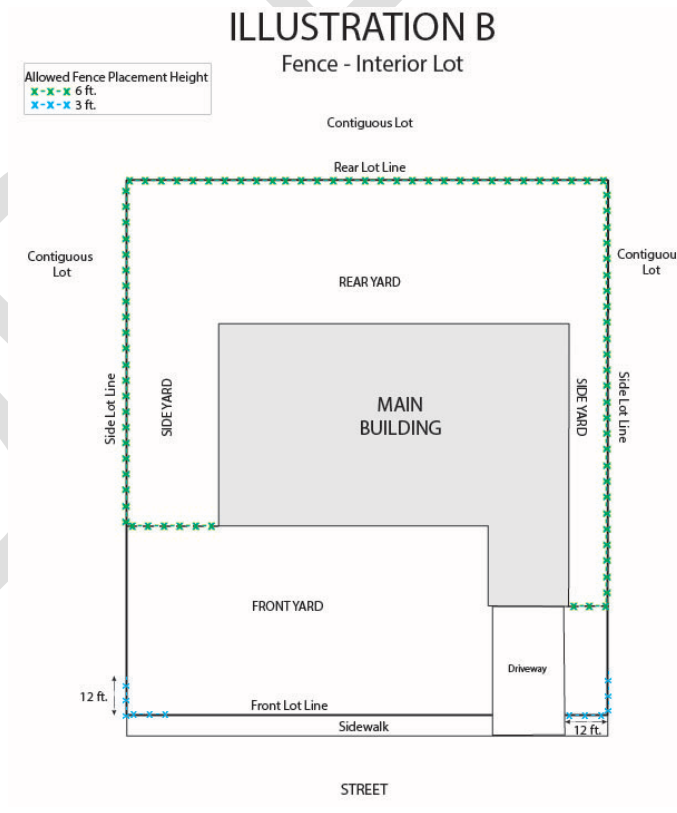
E. Where chain link used in fences that are erected allowed in areas zoned residential, and agricultural shall not be less than 11 gauge. Chain link used in fences that are erected in areas zoned for business and manufacturing, they shall not be less than 9 gauge. be maintained in good condition.

FE. A gate shall be provided along at least one fence line adjacent to the public street to allow access for emergency response personnel. The gate shall be a minimum of 36 inches in width. The gate shall be mounted in such a manner that the gate swings over private property of the lot where it is located and not over the public right-of-way. All gates provided for fencing around swimming pools must swing outward, away from the pool area.

15.3 PERMITTED FENCING

15.3-1 Front yards:

A. ~~Decorative e~~Corner fencing sections, such as split rails or pickets or other open (at least 70% permeable to light and air) fences, not to exceed 1012 feet in length each along each property line, and a maximum of 3 feet in height and at least 70 percent open. The tTwo sections must join together at an 120-degree angle or less running parallel to the respective lot lines to form a corner (corner section), but no corner section may be closer than 10 feet to another corner section. (See Illustration B)



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B. Fence, other than decorative corner fence, within the front yard (side) which abuts another front yard (side) on a corner lot shall be at least 30 percent open may be up to 100 percent closed, not exceeding five-four feet in height, exclusive of posts or ornamental objects on posts, provided the fence is not closer than ten feet to the front yard (side) property line. plus starts and ends at a rear yard The fence must also be located in line with the rear elevation of the building or within the rear yard. An additional foot may be added to the top the fence that is at least 30% open (lattice). (See Illustration C)

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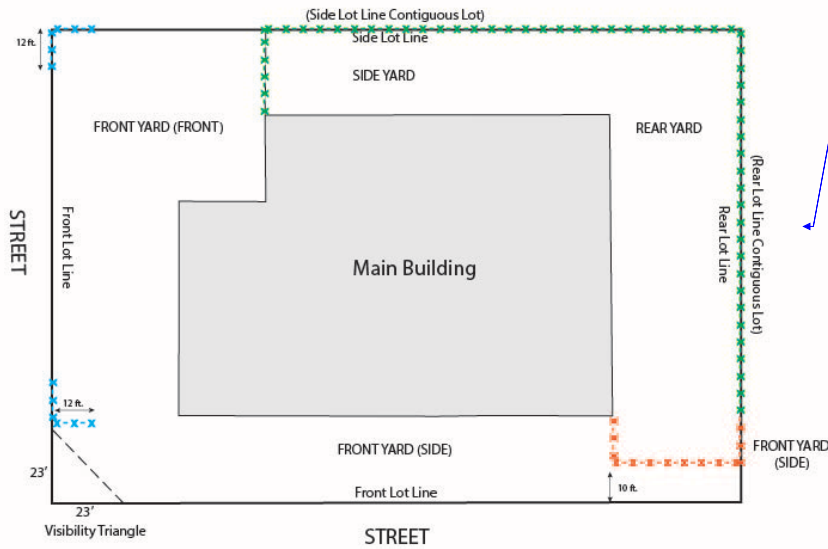
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Allowed Fence Placement Height
 x-x-x 6 ft.
 o-o-o 4-5 ft.
 x-x-x 3 ft.

ILLUSTRATION C

Fences - Corner Lot (Rear Yards Abutting)



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C. Fence, other than decorative corner fence, within the front yard (side) on a **reversed corner lot** ~~shall be at least 30 percent open~~ may be up to 100 percent closed, not exceeding ~~five~~ four feet in height ~~exclusive of posts or ornamental objects on posts~~, provided the fence ~~is not closer than ten feet to the property line along the street and starts and end at a rear yard.~~ ~~The fence~~ shall not extend closer to the front lot line (front yard side) than the width applicable of the front yard (front) building line of the adjacent lot and is located behind the rear elevation of the building. An additional foot may be added to the top of the fence that is at least 30% open (lattice.) (See Illustration G).

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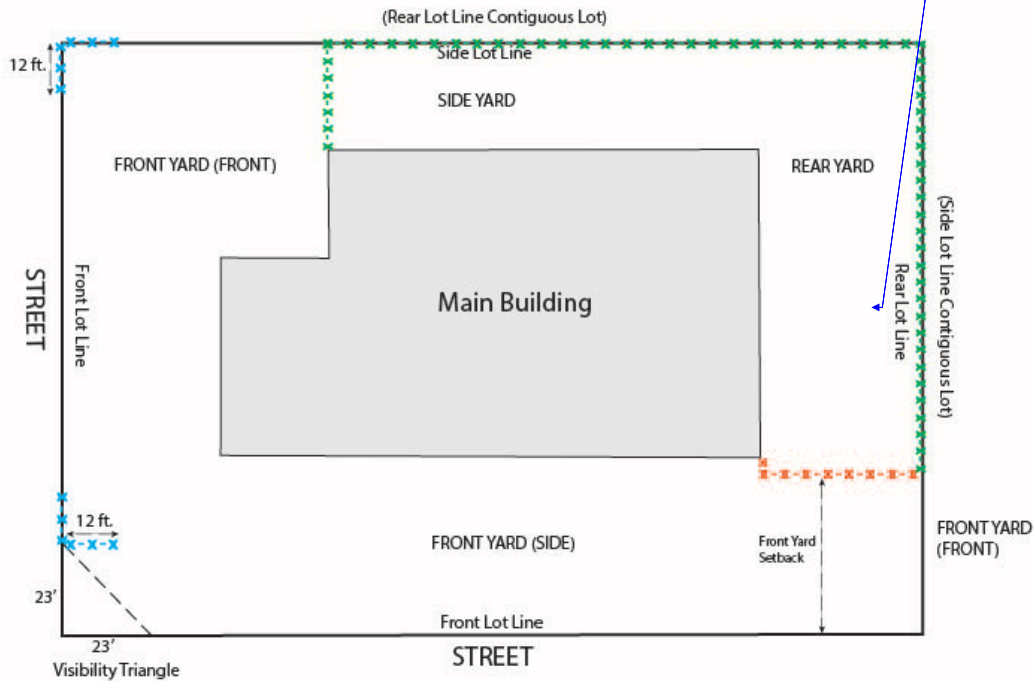
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- Allowed Fence Placement
- x-x-x 6 ft.
 - x-x-x 4-5 ft.
 - x-x-x 3 ft.

ILLUSTRATION G

Fences - Reverse Corner Lot (Rear & Side Yard Abutting)



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D. Fence, other than decorative corner fence, within the *front yard (side)* on a **through (corner) lot** ~~shall be at least 30 percent open~~ may be up to 100 percent closed, not exceeding five four feet in height ~~exclusive of posts or ornamental objects on posts~~, provided the fence is not closer than ten feet to the property line and ~~starts and ends at ais~~ contained within the rear yard. The fence shall not extend beyond the rear ~~most~~ most ~~property line~~ of the rear yard. An additional foot may be added to the top of the fence that is at least 30% open (lattice). Fence, (1) contained within the Rear Yard; or

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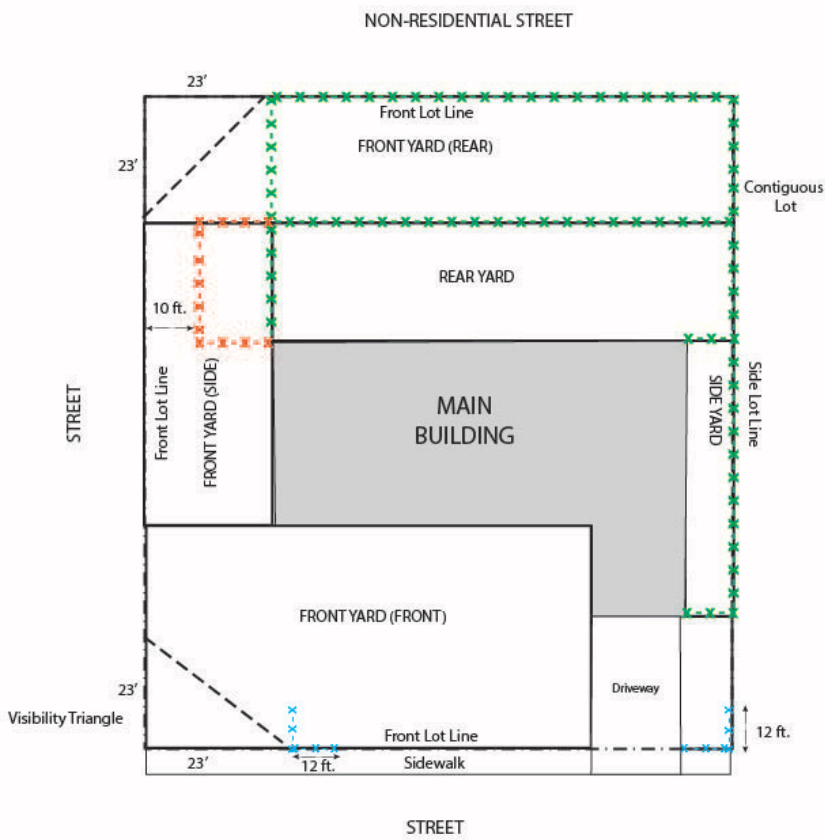
(2) where a front yard (rear) is contiguous to other front yard (rear) yards, may be 100 percent closed and shall not exceed 6 feet in height. (See Illustration E)

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Allowed Fence Placement Height
 X-X-X 6 ft.
 X-X-X 4-5 ft.
 X-X-X 3 ft.

ILLUSTRATION E

Fence - Through (Corner) Lot



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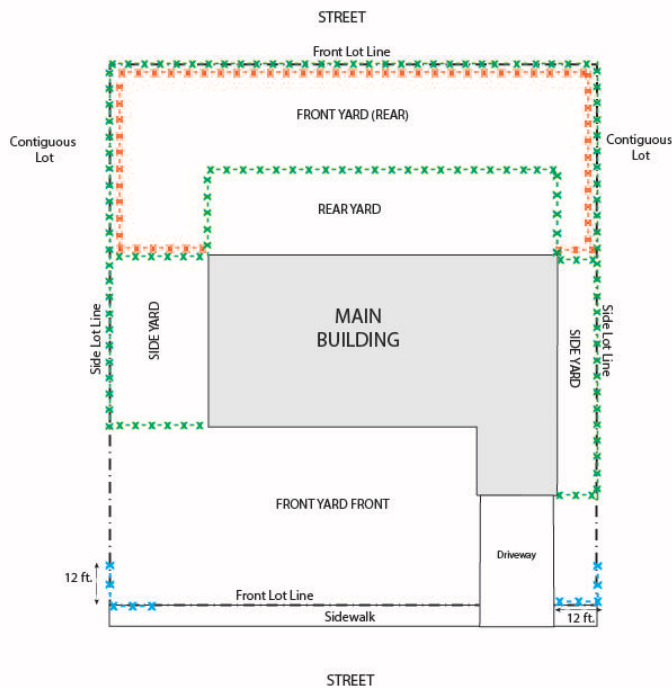
E.

E. Fence, other than decorative corner fence, contained within the front yard (rear) on an interior through lot, may be up to 100 percent

closed and not exceed four feet in height. An additional foot may be added to the top of the fence that is at least 30% open (lattice). Fence, (1) contained within the Rear Yard; or (2) where a front yard (rear) is contiguous to other front yard (rear) yards, may be 100 percent closed and shall not exceed 6 feet in height exclusive of posts or ornamental caps on posts (which are allowed to encroach 6 inches above the maximum height. (See Illustration D)

Allowed Fence Placement Height
 X-X-X 6 ft.
 X-X-X 4-5 ft.
 X-X-X 3 ft.

ILLUSTRATION D
 Fence - Through (Interior) Lot



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F. Fence, other than decorative corner fence, within the front yard (rear) on a through (entire block) lot may be up to 100 percent closed, not

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exceeding six feet in height, provided the fence is contained within the front yard (rear) and "Rear Yard". (See Illustration F)

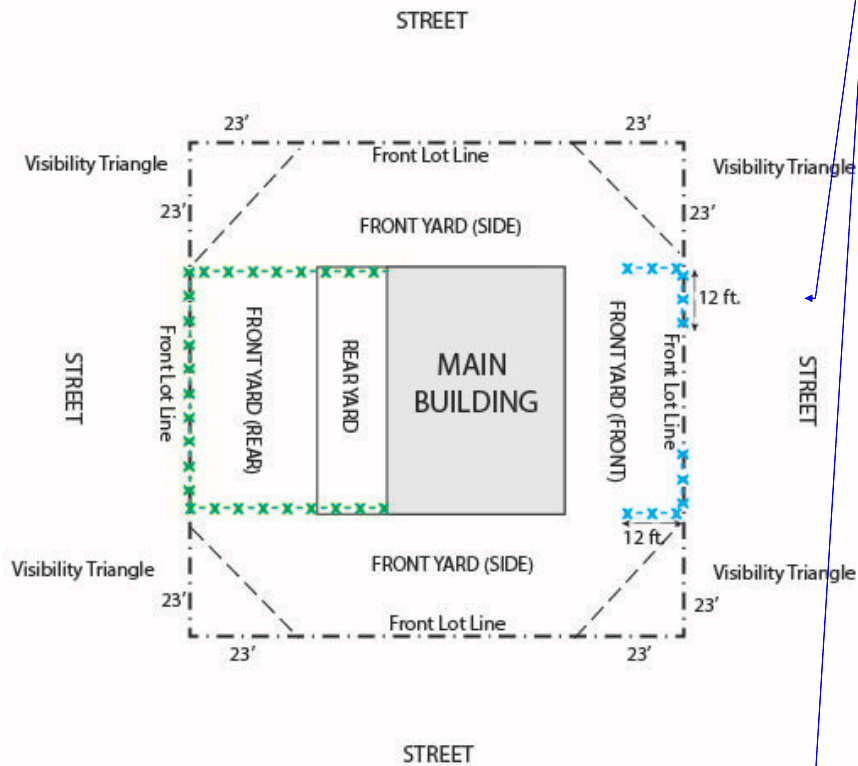
Allowed Fence Placement

x-x-x 6 ft.

x-x-x 3 ft.

ILLUSTRATION F

Fence - Through (Entire Block) Lot



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~~D. Where the interior fence is taller and adjoining fence shorter, the change in grade shall taper in height to match the adjoining section. (See Illustration I)~~

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~~F.G.~~ -No chain link shall be used in any residential front yard.

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~~F.H.~~ When existing neighborhood conditions for fences in front yards differ from current requirements, the Community Services Director or designee shall have authority, but not the obligation, to grant a variation to these standards to allow construction similar to the nearby properties. The variation shall be documented and presented to the Planning and Zoning Commission at their next regular meeting for their information. Differing from existing neighborhood conditions shall be defined as a majority of the similar situations within 1000 feet of the property in question.

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15.3-2 **Side and rear yards (including Front Yard (rear)):**

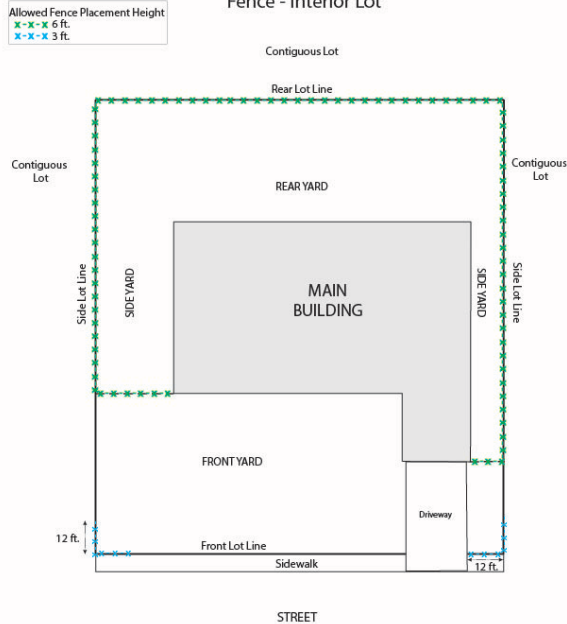
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Fences, up to 100% closed, at least 30 percent open, not exceeding six feet in height ~~exclusive of posts or ornamental objects on posts,~~ provided, however that perimeter buffer fencing shall be permitted in accordance with the provisions of Section 15.12 ~~(15.6)~~ of this Zoning Code. Fences in the rear yards of lots fronting the following four lakes shall be regulated per Section 15.15: Woods Creek Lake ~~Lake #1~~, Goose Lake ~~Lake #2~~, Willow Lake ~~Lake #3~~, and Lake Scott ~~Lake #4~~. (See Illustration B)

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ILLUSTRATION B Fence - Interior Lot



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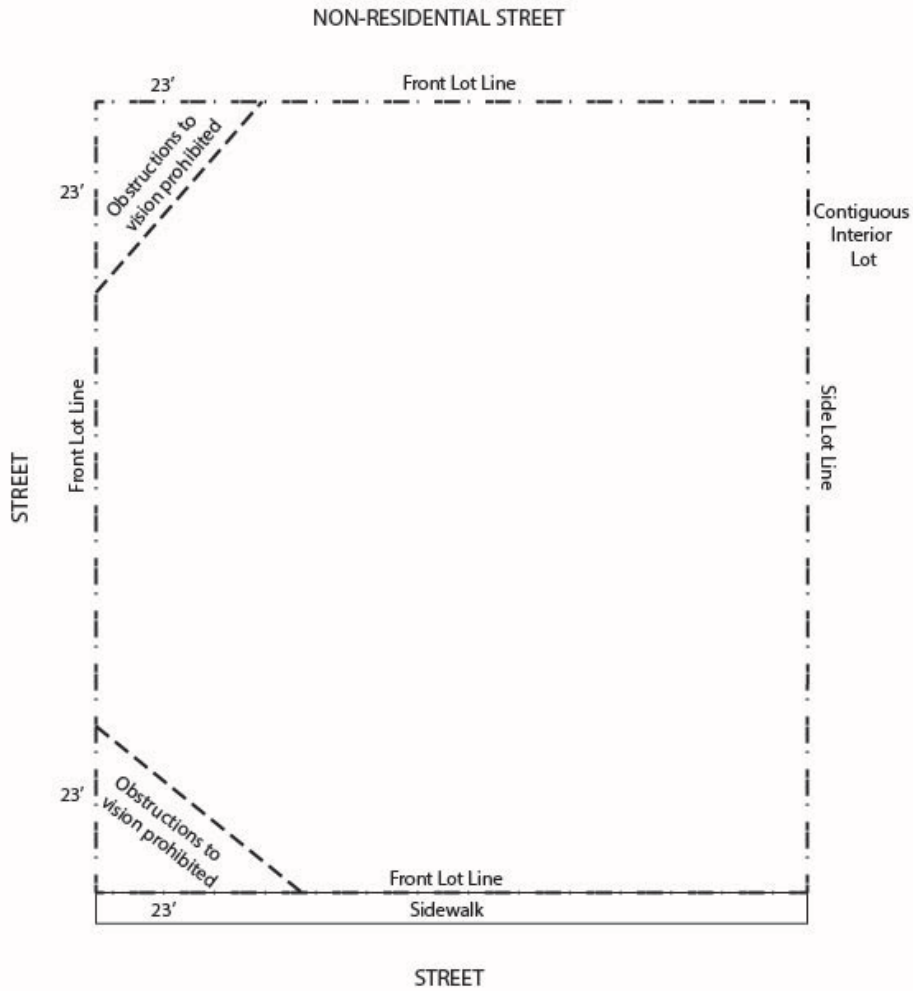
15.3-3 *Temporary Fencing:* Temporary fencing for special events or constructions sites shall obtain a permit and follow Building and Fire Code safety standards for means of egress requirements and be securely mounted. Temporary fencing shall be of suitable materials and may consist of chain link, may be a maximum height of 8 feet.~~is allowed, without permit, as authorized by the Community Services Director or designee.~~

15.4 VISION OBSTRUCTIONS PROHIBITED:

No fence, screening, or other structure shall be constructed on any corner lot taller than 24 inches in height from curb level or street crown if located within the area of a sight-line triangle, two legs of which are a distance of 23 feet each when measured along each of the intersecting front lot lines and from the point where such lines intersect. (See *Illustration A.*)

ILLUSTRATION A

Vision Area - Corner Through Lot



15.5 EXEMPTIONS:

15.5-1 *Certain Institutional Fences:* Nothing in this Zoning Code shall prohibit the erection of an open mesh-type or chain-link fence for public parks, recreational areas, ballfields, public or private school sites, or property owned by any public utility or agency.

15.5-2 *Soil and Erosion Control:* Nothing in this Zoning Code shall prohibit the erection of soil and erosion control fencing around any disturbed area during construction.

15.5-3 *Snow Fencing:* Nothing in this Zoning Code shall prohibit the erection of snow fencing to control blowing snow between November 1 and April 1 on any property owned by any public utility or agency.

15.5-4 *Certain Terraces and Patios:* Open terraces and patios located in a rear yard may be enclosed by a solid fence not to exceed 72 inches in height and not extending more than 12 feet out from the principal building.

~~**15.6 FENCES, INTERIOR LOT:**~~

~~15.6-1 Terms used in this subsection shall mean as follows:~~

~~A. Interior lot is any lot having a lot line fronting or facing only one street.~~

~~B. The front yard of an interior lot is the area extending across the front of a lot and being contained within the front lot line, the front of the main building and the side lot lines. (See Illustration B.)~~

~~C. The rear yard of an interior lot is the area extending across the rear of a lot and being contained within the rear lot line, the rear of the main building, the side lot lines and at the opposite end of the lot from the front lot line.~~

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~~(See Illustration B)~~

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~~D. The side yard of an interior lot is the area extending along a side lot line and contained between the front and rear yards, the side lot line and the main building. (See Illustration B.)~~

~~15.6.2 Prohibitions: No fence shall be permitted in or on property between the front lot line and the street or roadway.~~

~~**15.7 FENCES, CORNER LOT:**~~

~~15.7.1 Terms used in this subsection shall mean as follows:~~

~~A. A corner lot is a lot situated at the junction of, abutting on or facing two intersecting streets or roadways; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less. Lot lines fronting, abutting or facing the streets shall be considered to be the front lot lines.~~

~~B. Corner lots have two front yards, as follows:~~

~~(i) The front yard (front) is the area extending within and along the front lot lines to the side lot lines and then inward alongside lot lines to a point equal to that part of the main building (exclusive of projections) closest to the front lot lines and then continuing parallel to the front lot line and extending to the property line along the adjacent street. (See Illustration C)~~

~~(ii) The front yard (side) is that area contained between the front yard (front), the rear lot line, the main building and the front lot line abutting the adjacent street. (See Illustration C)~~

~~C. The rear yard is the area extending across~~

~~the rear of the lot and parallel to the street upon which the lot has its shortest dimension. Such area shall be within and extending along the rear lot line to a point equal to that part of the main building (exclusive of projections) closest to the front lot line and then inward from the rear lot line to that part of the main building and from the rear lot line along the side lot line to a point equal to that part of the main building (exclusive of projections) closest to the rear lot line and then inward from the side lot line to that point of the building. (See Illustration C)~~

~~D. The side yard is that area remaining after establishing the front and rear yards or the area extending along the side lot line and contained between the front and rear yards, the main building and the side lot line. (See Illustration C)~~

~~15.8 FENCES, THROUGH (INTERIOR) LOT:~~

~~15.8-1 Terms used in this subsection shall mean as follows:~~

~~A. Through (interior) lot is defined as a lot that has a pair of opposite lot lines along two more or less parallel streets or roadways and that is not a corner lot. On an interior through lot, both lot lines parallel to, fronting or facing a street or roadway shall be considered to be front lot lines.~~

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~~B. Through (interior) lots have two front yards, as follows:~~

~~(i) Front yard (front) is the area extending across the front of the lot and being contained within the front lot line, the side lot lines and the front of the main building. (See Illustration D)~~

~~(ii) Front yard (rear) is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the side lot lines and for the minimum depth of front yard as required for the applicable zoning district. (See Illustration D)~~

~~C. Rear yard is the area remaining after determining the front yard (rear) and being contained within the side lot lines, the rear of the main building and front yard (rear). (See Illustration D)~~

~~D. Side yard is the area extending along a side lot and contained between the side lot line and the main building and the front yard (front) and the rear yard. (See Illustration D)~~

~~15.8-2 Prohibition: No fence shall be permitted in or on the property between the front lot line and the street or roadway.~~

~~15.9 FENCES, THROUGH (CORNER) LOT:~~

~~15.9-1 Terms used in this subsection shall mean as follows:~~

~~A. Through (corner) lot is defined as a lot which has a pair of opposite lot lines along two more or less parallel streets or roadways and has another lot line fronting or facing another street or roadway and has its side lot line~~

~~adjoining or contiguous to another lot or lots. On the corner through lot, all lot lines parallel to, fronting or facing any street or roadway shall be considered as front lot lines.~~

~~B. Front yards in through (corner) lots shall have three front yards as follows:~~

~~(i) Front yard (front) is the area extending across the front of the lot with the least dimension and being contained within that front lot line, the front of the main building, the side lot line and its opposite front lot line. (See Illustration E)~~

~~(ii) Front yard (rear) is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the side lot line and its opposite front lot line and for minimum depth of a front yard as required for the applicable zoning district. (See Illustration E)~~

~~(iii) Front yard (side) is the area extending along the front of the lot with the greatest dimension and contained within the front yard (rear), the front yard (front), the front lot line and the main building. (See Illustration E)~~

~~C. The rear yard is the area contained between the front yard (rear) and the main building and the side lot line and the front yard (side). (See Illustration E)~~

~~D. The side yard is the area extending along a side lot line and contained between the side lot line and the main building and the front yard (front) and the rear yard (See Illustration E.)~~

~~15.9 2 Prohibition: No fence shall be permitted in or on the property between the front lot line and the street~~

~~or roadway.~~

~~15.10 FENCES, THROUGH (ENTIRE BLOCK) LOT:~~

~~15.10.1 Terms used in this subsection shall mean as follows:~~

~~A. Through (entire block) lot is a lot which has all of its lot lines abutting, fronting on, or facing streets or roadways and which does not have any side lot lines. On a through lot (entire block), all lot lines abutting, fronting on or facing any street or roadway shall be considered to be front lot lines.~~

~~B. A through lot (entire block) shall have four front yards as follows:~~

~~(i) One, front yard (front), is the area extending across the front of the lot with the greatest dimension and being contained within the front lot line and the front of the building or buildings and the two front lines opposite from each other with the least dimension. (See Illustration F)~~

~~(ii) One, front yard (rear), is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the two front lot lines opposite from each other with the least dimension and for the minimum depth of a front yard as required for applicable zoning district. (See Illustration F)~~

~~(iii) Two, front yards (side), each shall be the area extending along the front of the lot with the least dimension and contained within the front yard (rear) and the front lot line and the main building. (See Illustration F)~~

~~C. Rear yard is the area contained between the~~

~~front yard (rear) and the main building and the two front yards (side). (See Illustration F)~~

~~15.10 2 Prohibition: No fence shall be permitted in or on the property between the front lot line and the street or roadway.~~

~~15.11 FENCES, REVERSED CORNER LOT~~

~~15.11 1 Terms used in this subsection shall mean as follows:~~

~~A. A reversed corner lot is the same as a corner lot except that its front lot line with the greatest dimension is substantially a continuation of the front lot lines of the interior lots to its rear, and its rear lot line adjoins or abuts the side lot line of the lot to its rear. Lot lines abutting, fronting or facing a street or roadway shall be considered to be front lot lines.~~

~~B. Front yard, side yard and rear yard of a reversed corner lot is the same as the front yard, side yard and rear yard of a corner lot. (See Illustration G)~~

~~15.11 2 Prohibition: No fence shall be permitted in or on the property between the front lot line and the street or roadway.~~

~~15.612 PERIMETER-BUFFER FENCING ADJACENT TO BUSY STREETS:~~

~~15.612-1 Defined: Perimeter-Buffer fencing is defined as fencing along thoroughfares having a speed limit of 30 miles per hour or higher abutting a rear property line or designated rear yard which does not allow vehicular access to those thoroughfares from abutting lots or tracts.~~

~~15.612-2 Clear Vision Areas: When a thoroughfare intersects with any other roadway, the perimeter fencing must terminate 23 feet from the corner lot stake. In the case of radius lot stakes, the fence must terminate 23 feet from the intersecting point that a line extended from each~~

~~lot line would create, or at the radius lot stake, whichever is greater. (See Illustration H 1.)~~

When two ~~thoroughfares~~ streets intersect, a clear vision area must be maintained by measuring 23 feet from the intersecting ~~stake or stakes~~ lot lines, down each lot line and creating a diagonal line across the two points. ~~In the case of radius lot stakes, the fence must terminate 23 feet from the intersecting point that a line extended from each lot line would create, or at the radius lot stake, whichever is greater. (See Illustration H 2.)~~ This is known as the The Clear View Triangle. Buffer fencing shall be located along property lines.

~~15.612-3 One Foot Distance Standards~~ Location: Perimeter Buffer fencing shall be located ~~not less than one foot inside all lot lines, or not less than one foot as close to the rear property line as possible outside of any required easements from any existing County or State roadway maintenance easement, or not less than one foot in from any existing landscaping easement. (See Illustration H 1 and H 2.)~~

~~15.12 4 Posts:~~ ~~Fence posts shall be located on the side yard lot lines so adjacent property owners may tie into existing fencing on adjacent property in order to maintain uniformity. The post location requirement shall not apply to developers developing two or more consecutive lots subject to this Zoning Code.~~

~~15.12 5 Changes in Elevation:~~ ~~Changes in elevation shall be rolling with the contour of the property, subject to the Director of Community Services or designee's approval, keeping the top of the fencing even.~~

~~15.612-46 Material:~~ Perimeter Buffer fencing shall be constructed ~~entirely of sturdy and durable materials such as western red cedar, which shall remain in its natural condition except for clear wood or cedar wood preservatives used to prevent decay and rotor pressure-treated wood, metal, vinyl, or composite materials.~~

~~15.62-75 Height; Style:~~ Perimeter Buffer fencing shall be ~~five~~ permitted up to a maximum of 6 feet in height and ~~30~~

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~~percent open, may be a solid style fence flat topped, board on board.~~

15.612-68 *Gates*: ~~Gates are p~~ermitted gates shall be constructed of the same material and style of the Buffer fencing but shall be of the same construction as the fence.

15.612-97 *Connection of Interior Fencing*: Where ~~perimeter Buffer~~ fencing is installed; ~~r~~ interior fencing is permitted to be extended and connected to the ~~perimeter Buffer~~ fencing. ~~Where the interior fencing is six feet high, the change in grade shall be made evenly, with the eight foot section connecting. (See Illustration I.)~~

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15.713 **DOG POUNDS, RUNS & ENCLOSURES:**

15.713-1 *Rear Yard Only; Lot Line Limitation*: Dog ~~pounds, runs and~~ enclosures shall be permitted only in rear yards and shall be located not closer than 10 feet to any lot line.

15.713-2 *Construction Standards*: Such enclosures shall be constructed of fencing that is at least 30 percent open, shall not exceed ~~eight-six~~ feet in height and shall not exceed a total of 50 ~~lineal-square?~~ feet.

15.713-3 *Number Limited*: Only one such pound, run or enclosure shall be permitted per zoning lot.

15.814 **SEPARATION WALLS/FENCING (MULTIPLE FAMILY, BUSINESS, MANUFACTURING PROPERTY):**

15.814-1 *Separation Fence Required if Abutting Residential*: Whenever a business abuts a residential area, there shall be erected a wall or durable solid fence at least six feet in height and maintained in good condition.

15.814-2 *Standard in not Abutting Residential*: Whenever a business does not abut a residential area a fence of at least six feet in height, but no more than eight feet in height, may be erected. A three-strand barbed wire

extension, not exceeding eighteen inches is permissible, unless {maybe justified through a variation} it does not meet the applicable setback standard.

15.~~814~~-3 Whenever a duplex, townhouse, condominium or any other multiple family zoned property abuts single family zoned property, a six foot high board on board cedar or pressure treated wood fence or approved vinyl, PVC, or metal fence shall be erected between the two areas. ~~The later of the two builders shall be responsible for the fence.~~

15.~~915~~ -LAKEFRONT FENCING:

15.~~915~~-1 *Defined:* Lakefront fencing is defined as fencing that is located in the rear yards of lots that abut one of the following four lakes: Woods Creek Lake ~~Lake #1~~, Goose Lake ~~Lake #2~~, Willow Lake ~~Lake #3~~, and Lake Scott ~~Lake #4~~.

15.~~915~~-2 *Height:* The maximum height for any lakefront fencing shall be 4 feet exclusive of posts or ornamental objects.

15.~~915~~-3 *Setback:* The minimum setback for lakefront fencing is 15 feet from the shoreline or property line, whichever is closest to the principal structure on the lot at the time of permit.

15.~~915~~-4 *Percent Open:* Lakefront fencing shall be at least 50% open as viewed at 90 degrees.

15.~~915~~-5 *Type of Fences:* Lakefront fencing shall be restricted to vertical pickets or split rails.

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~~15.16~~ Illustrations

ILLUSTRATION A
VISION AREA - CORNER THROUGH LOT

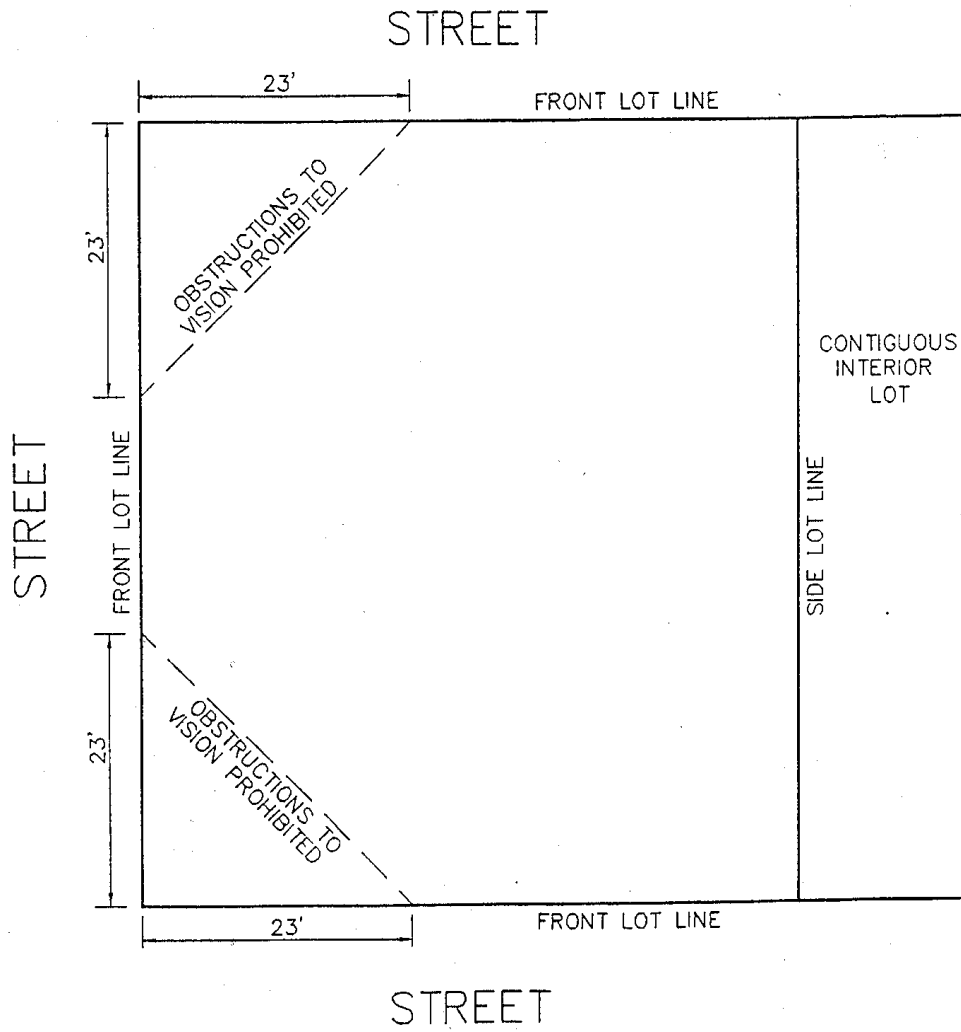


ILLUSTRATION B

YARDS— INTERIOR LOT

CONTIGUOUS LOT

REAR LOT LINE

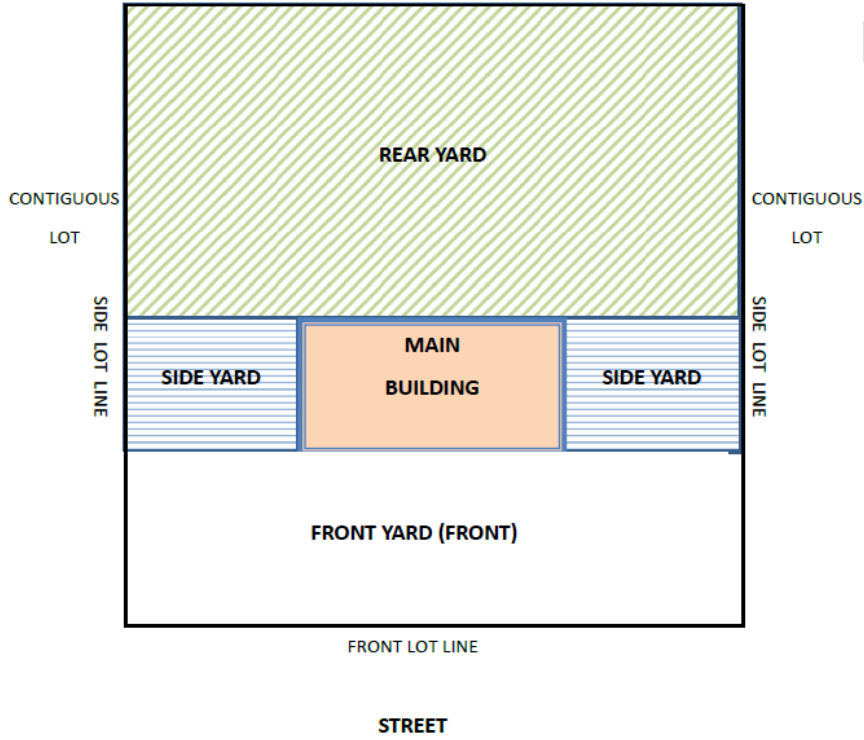


ILLUSTRATION C

YARDS— CORNER LOT

CONTIGUOUS LOT

REAR LOT LINE

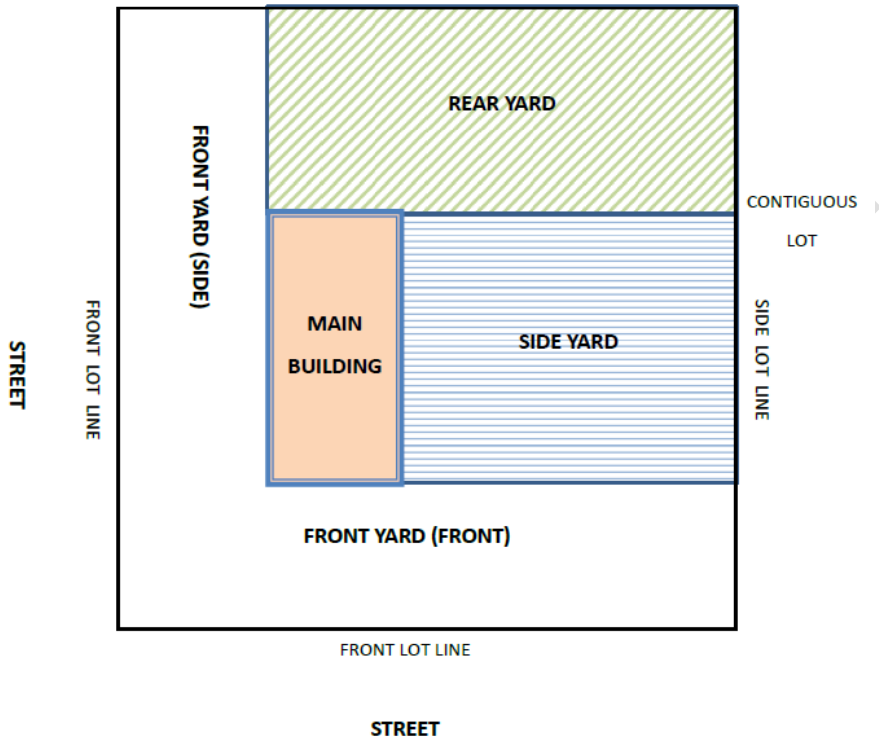


ILLUSTRATION D

YARDS—THROUGH (INTERIOR) LOT

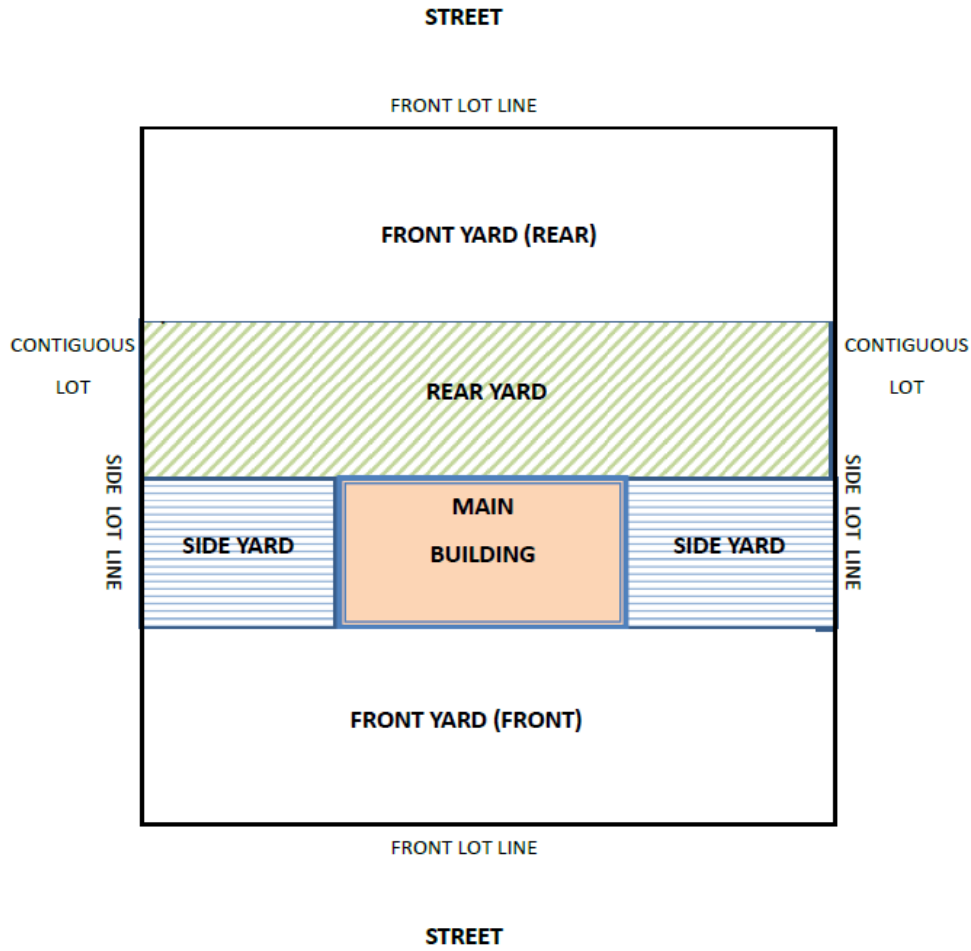


ILLUSTRATION E

YARDS—THROUGH (CORNER) LOT

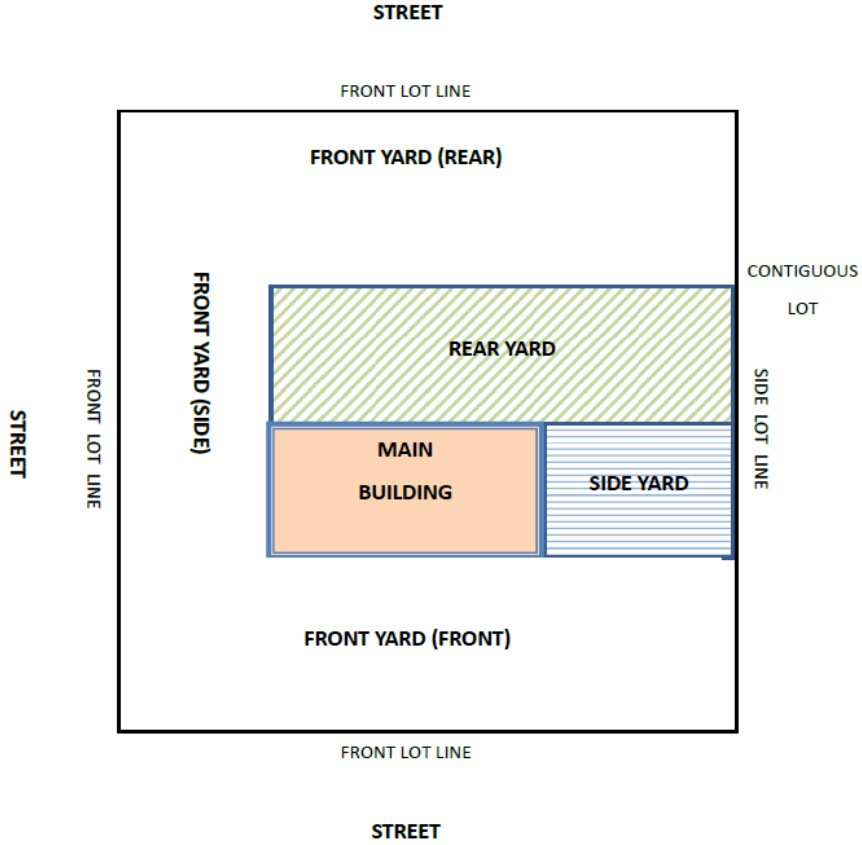


ILLUSTRATION F

YARDS— THROUGH (ENTIRE BLOCK) LOT

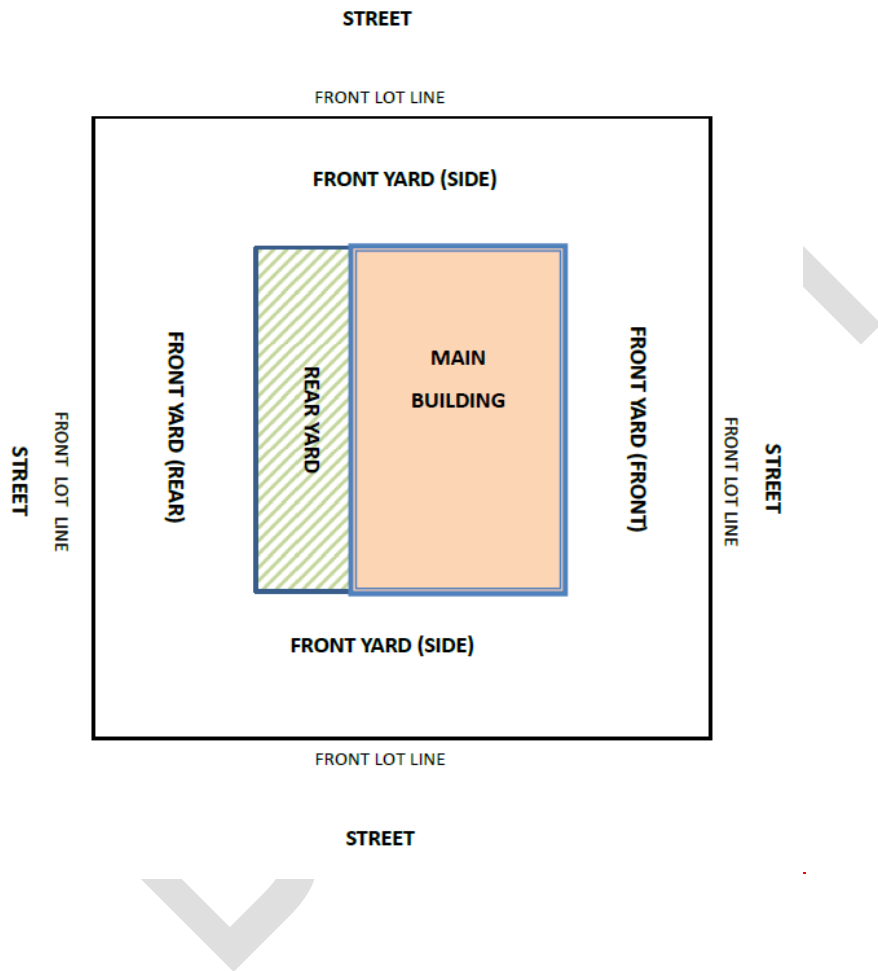


ILLUSTRATION G

YARDS— REVERSED CORNER LOT

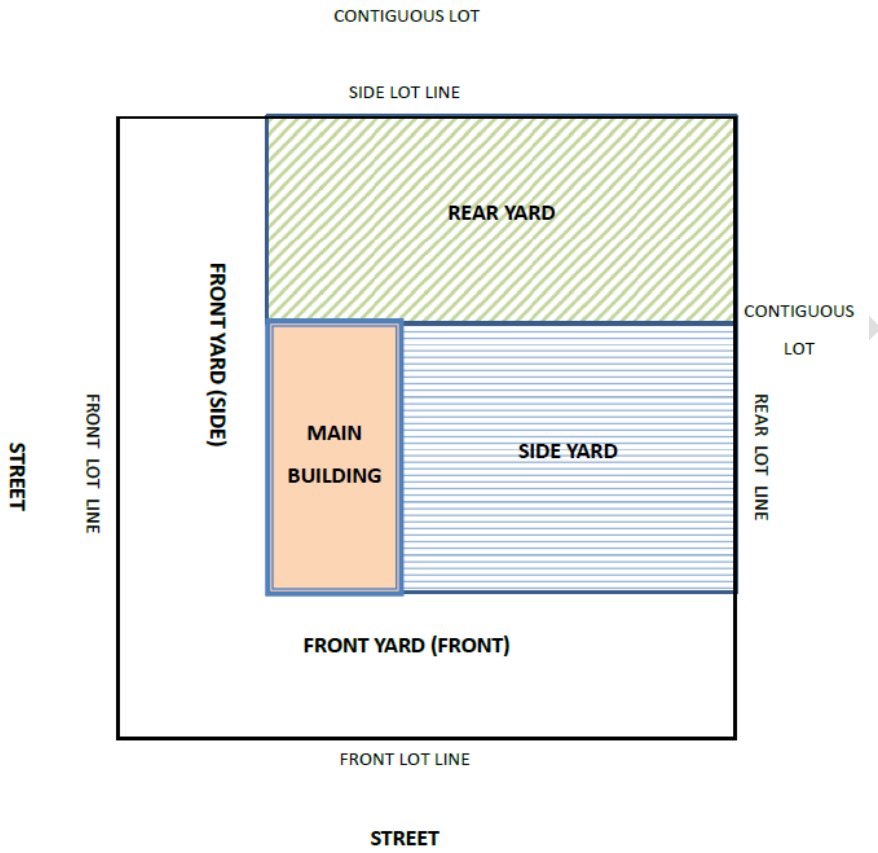
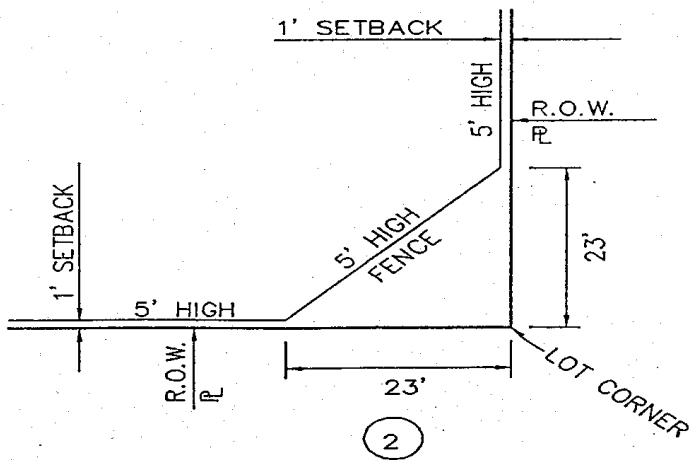
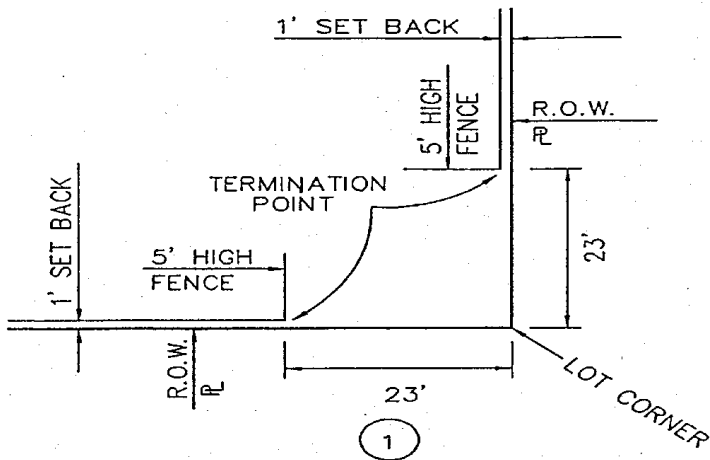
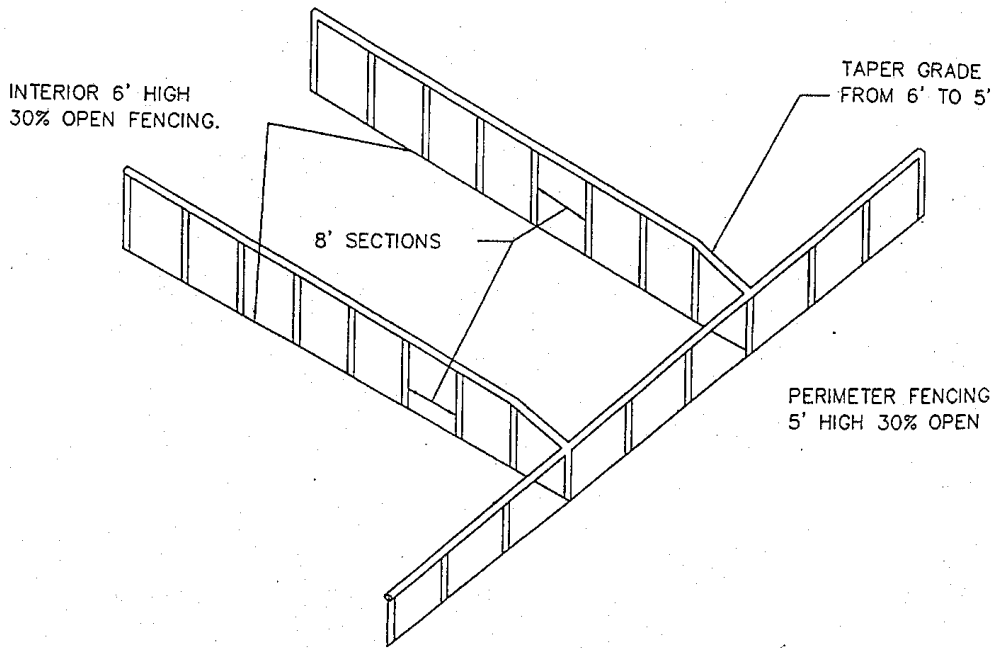


ILLUSTRATION H (CORNER TOP VIEWS)



NOTE: ONE FOOT SETBACK IS FROM RIGHT - OF WAY, ROAD CONSTRUCTION / MAINTENANCE EASEMENT OR LANDSCAPE EASEMENT, WHICHEVER IS GREATEST.

ILLUSTRATION I



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