

**CHANNAHON PLANNING AND ZONING COMMISSION  
MEETING**

**March 12, 2012**

Chairperson Karen Ciarlette called the meeting to order at 6:02pm.

Chairperson Ciarlette led the Pledge of Allegiance.

Commissioners present were: Phil Loizon, James Proffitt, Casey McCollom, and Chantal Host. Also present were Director of Community Development Mike McMahon and Attorney David Silverman.

A quorum was declared present.

Commissioner Proffitt made a motion to approve the February 13, 2012. Seconded by Commissioner Loizon.

**VOTE: ALL AYES**

**MOTION CARRIED**

Commissioner Host made a motion to approve the October 10, 2011, Corrected Minutes. Seconded by Commissioner McCollom.

**VOTE: ALL AYES**

**MOTION CARRIED**

**Fence Ordinance**

Chairperson Ciarlette asked for motion to open the public hearing.

Commissioner Host made the motion and it was seconded by Commissioner McCollom.

**VOTE: ALL AYES**

**MOTION CARRIED**

Mr. McMahon presented the New Fence Ordinance.

Over the years, the Village has had requests from residence to install fences to the property lines of side yards on corner lots. These requests have been denied as the current Village Code does not allow any building or structure to be placed passed the side yard building line on corner lots.

Staff recently revisited this issue. A survey of neighboring municipal codes revealed that allowing fences to the property line on corner lots is allowed in most municipalities. For instance, the Village of Minooka allows decorative fence no more than four feet tall to be constructed to the property on corner lots.

Staff is also recommending removing outdated fence language that would allow stockade or rail fences to be constructed on the perimeter of a lot that is located in R-1 and R-3 districts. The new proposed language removes this from R-1 and R-3 districts but continues to allow it R-2, A-1 and A-2. Below is staff's recommended language:

## § 156.185 DESIGN, LOCATION, AND HEIGHT REQUIREMENTS.

### (A) Agriculture and Residential Zoning Districts:

(1) *R-1 and R-3 Zoning Districts.* Perimeter fences shall only be erected in the side and rear yard in back of the front building line. Fences may be either open or solid and not exceed a height of six feet. Perimeter fences shall be erected within six inches of the property lines of the property on which the fence is to be constructed. Only open fences not exceeding a height of four feet may be constructed beyond the side yard building line of those properties on corner lots.

(2) *A-1 and A-2 Agriculture and Rural Residential Zoning Districts.* Same as R-1 and R-3 with the following exceptions: Wood-type open rail fences or peeled split log open rail fences may be erected anywhere within six inches of the perimeter of the property line including the front yard and side yards past the building line not to exceed a height of five feet. Wire fences designed to contain farm animals may be erected anywhere within six inches of the perimeter of the property line including the front yard and side yard past the building line.

(3) *R-2 Single Family Residential District:* Same as R-1 and R-3 with the following exception: Open perimeter fences may be erected anywhere within six inches of the perimeter of the property line including the front yard and side yards past the building line. Fences constructed past the front and side building lines on corner lots may not exceed a height of four feet.

Mr. McMahon commented that the two main issues is to allow fences to be built to the property line on corner lots in the rear yards and to remove the language allowing stocked fences to be built surrounding lots in R-1 and R-3 Districts. And, he stated that there are no changes to R-2 zoning fence requirements.

Mr. McMahon said he spoke with Ed Dolezal, Public Works Director, concerning these changes and he has no problem with it as long as when we permit fences there are no visibility issues.

A discussion followed.

Mr. McMahon then stated that the Village Attorney, in review of the ordinance, questioned the need for the current language that states "Perimeter fences shall be erected within six inches of the property lines of the property on which the fence is to be constructed."

Mr. McMahon said he did not know the reason for that requirement other than to maybe eliminate large gaps behind fences that would possibly be un-maintained. He further said that in the Highlands subdivision their covenants limit the amount of fenced in area and that staff does not follow that 6 inch rule.

Attorney Silverman suggested that if the Village is not enforcing that rule it should be removed.

Discussion followed and one member of the public suggested that the rule was to force people to keep the post holes from encroaching on neighboring properties. It was clarified that the rule mandates the fences cannot be built further out than 6 inches from the property line.

Commissioner McCollom suggested that the 6 inch rule language be removed and that it be required that fences be constructed entirely on the property in which the fence is to be located.

Chairperson Ciarlette asked the audience for any further comments. Hearing none she asked for a motion to close the public hearing.

Commissioner Proffitt made the motion and it was seconded by Commissioner Loizon.

Chairperson Ciarlette asked for the motion.

Commissioner McCollom made to approve the ordinance removing the 6 inch rule language and inserting language that it be required that fences be constructed entirely on the property in which the fence is to be located.

The motion was seconded by Commissioner Host.

**ROLL CALL: ALL AYES**

**MOTION CARRIED**

Commissioner Proffitt made a motion to adjourn the meeting at 6:25 p.m. Seconded by Commissioner Host.

**VOTE: ALL AYES**

**MOTION CARRIED**