



Legislation Details (With Text)

**File #:** 18-1041B      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/6/2018      **In control:** City Council

**On agenda:** 12/18/2018      **Final action:** 12/18/2018

**Title:** Pass the ordinance approving a variance to allow an 8-foot fence along the subject property’s rear property line, adjacent to Royce Road (937 Lehigh Circle) - PZC 18-1-107

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 937 Lehigh - Ordinance, 2. Exhibit A - Legal, 3. Exhibit B - Plat, 4. Exhibit C - Standards, 5. Exhibit D - Fence Type, 6. Development Petition, 7. 12.5 Draft PZC Minutes

Date	Ver.	Action By	Action	Result
12/18/2018	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a variance to allow an 8-foot fence along the subject property’s rear property line, adjacent to Royce Road (937 Lehigh Circle) - PZC 18-1-107

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on December 5, 2018 and voted to recommend approval of the request (Approved 7-0). Staff concurs.

**BACKGROUND:**

The subject property is located at 937 Lehigh Circle, in the University Heights subdivision. It is zoned R1B PUD and is improved with a single-family home. The subject property is adjacent to single family homes to the north, east, and west; and, backs to Royce Road and DuPage River Park East to the south. The petitioner proposes installing a new fence around the perimeter of the subject property’s rear yard. The proposed fence is 6 feet tall along the side yards and 8 feet tall along the rear yard, directly adjacent to Royce Road.

Section 6-2-12:1 of the Naperville Municipal Code permits fences on residential properties to be up to six feet in height, unless the residential property line abuts a nonresidential use or a major arterial roadway. Within the City of Naperville, Royce Road is classified as a collector street and residential fences are permissible to a height of six feet. The petitioner requests approval of a variance to Section 6-2-12:1 (Fences) of the Naperville Municipal Code to permit a fence to measure 8 feet in height along the subject property’s rear property line to provide privacy and separation from Royce Road truck traffic.

**DISCUSSION:**

Section 6-2-12:1 (Fences) of the Municipal Code restricts residential fences to a height of 6 feet unless the residential property abuts a nonresidential use or a major arterial roadway. Major arterials are roadways used to carry heavier traffic patterns and provide continuity throughout the contiguous area. Collectors are streets used to collect traffic from residential areas and convey this traffic to the major arterial and highway system. Even though collectors may carry some through traffic, their primary function is to provide local access.

Royce Road is classified as a collector street in the City, but has many characteristics of an arterial due to nearby industrial land uses and the unobstructed connection it provides from Washington Street/Naperville Road to Route 53. Few residential properties have direct access onto Royce Road, and there are no existing traffic signals to slow vehicles traveling east-west. As a result, Royce Road has a higher number of trucks traveling on it than other collector streets, which can negatively impact adjoining residential properties.

The petitioner's proposed 8-foot fence is anticipated to mitigate the impacts of truck traffic on the subject property by providing a visual barrier. Staff finds the petitioner's proposal to be reasonable and is supportive the request.

*Findings of Fact*

The petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Upon review, the Planning and Zoning Commission and staff agree with the petitioner's Findings and recommend their adoption by City Council.

***Planning & Zoning Commission Action***

The Planning and Zoning Commission considered this matter at their meeting on December 5, 2018. One member of the public spoke on behalf of the neighboring subdivision and commented that the proposed fence would detract from existing views of their storm water facilities for passersby. Following brief comments, the Planning and Zoning Commission closed the public hearing, moved to adopt the findings of fact as presented by the petitioner, and approve PZC 18-1-107 (approved 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

***Key Takeaways***

- The petitioner is requesting a variance from Section 6-2-12 (Fences) of the Naperville Municipal Code, to construct an 8-foot fence along the subject property's rear property line, adjacent to Royce Road.
- Staff and the Planning and Zoning Commission support the proposed variance because it will provide a visual barrier and separation from the higher truck traffic volumes along Royce Road for the subject property.

***Related Files***

N/A

**FISCAL IMPACT:** N/A