

ORDINANCE NO. 2014-1415

AN ORDINANCE AMENDING THE VILLAGE OF PEORIA HEIGHTS
1970 ZONING ORDINANCE, AS AMENDED

WHEREAS, the Village of Peoria Heights has previously adopted Ordinance No. 2007-1277, entitled, An Ordinance Amending Section 5.4 YARDS. It is in the best interest of the Village of Peoria Heights that Subsection (d)(i) be amended; and

WHEREAS, the Board of Trustees has also determined that other subsections of Section 5.4 of the Peoria Heights 1970 Zoning Ordinance, as Amended, should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS,

SECTION ONE: That Section 5.4 YARDS, Subsection (d)(i) of the Peoria Heights 1970 Zoning Ordinance, as amended, shall be amended as follows:

Section 5.4 YARDS.

- (d) Fences, walls and/or hedges may be placed in any yard or along the edge of any yard subject to the following restrictions:
 - (i). Front yard fences shall not be allowed without first obtaining a recommendation for approval by the Zoning Board of Appeals. A front yard is defined in Section 3, Definitions, of the Peoria Heights 1970 zoning code, as amended, "Yards - front."
 - (a) No fences shall be erected in the front yard without first obtaining a variance and approval by the Zoning Board of appeals. Under no circumstances shall the fence exceed four (4) feet and be less than 40% open in design.
 - (b) No variance is required to repair an existing front yard fence if its height does not exceed four (4) feet. The repair must utilize like kind and quality of materials.
 - (c) When placing the location of a front yard fence, no fence shall be situated between the front lot line and the nearest line of a structure located on said lot. "The nearest line of the structure" shall not include the space attributed to an extension of the structure (such as a deck, a porch (whether enclosed or not), a three-season room or any other extension to the front of the dwelling space) even if said space is finished and or used as living space.

SECTION TWO: That Section 5.4 YARDS, (f) Administrative Approval Procedure, shall hereafter be entitled (e) Administrative Approval Procedure, and be amended as follows:

(e) Administrative Approval Procedure.

This procedure to obtain a recommendation for a permit from the Zoning Board of Appeals to construct a fence as hereafter set out shall be follows.

- (i). *Initiation and Application.* Any person owning or having an interest in the subject property may file an application for a fence permit. Such application shall be submitted to the Zoning Board of Appeals by filing same with the Zoning Board of Appeals with a plan of the fence and proof that the fence complies with this Ordinance and requirements herein set forth.

(ii). *Procedure.* Upon receiving such application, the Zoning Board of Appeals shall give notice to property owners within two hundred (200) linear feet on the same street or affected area of the request for a fence permit, and also include a Notice of Public Hearing. The Zoning Board of Appeals shall, within fourteen (14) working days of issuance of the Notice, conduct a public hearing. When issuing a determination the Zoning Board shall determine its conformity with the standards set out in (iii) below.

(iii) *Standards Required to Obtain a Permit.* When determining if a fence will be allowed, the Zoning Board of Appeals or its Administrator shall consider the following:

- (a) The front yard and corner lot side yard fence does not exceed four (4) feet in height; and
- (b) The fence shall be at least forty (40) percent open in design; and
- (c) The input of surrounding property owners and residents; and
- (d) The proposed fence, considering its placement, height and construction, is compatible with the surrounding neighborhood and will not diminish neighboring properties of their full use and enjoyment; and
- (e) The proposed fence will not impair safety, welfare, light, air nor substantially diminish or impair property values within the neighborhood, nor impair natural drainage or create drainage problems on adjacent properties; and
- (f) The proposed fence shall not alter the established character of the neighborhood; and
- (g) These standards are applicable to all fence applications as herein set forth. Fences for an interior lot side yard and back yard shall not exceed six (6) feet in height.

SECTION THREE: Appeals. A final determination shall be submitted to the Village Administrator, in writing, no less than fourteen (14) days after the determination has been reached. If the applicant is denied a permit by the Board of Appeals or if the applicant objects to modifications, if any, the applicant may file an appeal with the Board of Trustees. The Village Administrator shall present the appeal to the Village Board for consideration within fourteen (14) working days of the next Village Board Meeting. One hour prior to the Board meeting, the applicant may voice his/her objection(s) to the determination of the Board of Appeals. The Corporate Authorities may authorize the issuance of a permit, modify the permit, or confirm the recommendation of the Board of Appeals by a two-thirds (2/3) vote of the Corporate Authorities. The vote of the Village Board shall be final.

SECTION FOUR: All other provisions of Section 5.4, YARDS, of the 1970 Zoning Ordinance of the Village of Peoria Heights, and as amended by Ordinance No. 2007-1277, and as amended by this Ordinance, shall remain in full force and effect. All other ordinances amending Section 5.4 YARDS of the Peoria 1970 Zoning Ordinance, as amended, not in conflict with this ordinance shall remain in full force and effect.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS, THIS 16th DAY OF September, 2014.

AYES 4

NAYS 0

1 abstain


MARK ALLEN, Village President

SEAL:

ATTEST: 
VILLAGE CLERK

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