

Item #2:

Referral To PCZBA - Zoning Code Amendments Re: Fences

Chapter 9

FENCES

4-9-1: PURPOSE:

The purpose of this chapter is to regulate fences to ensure compatibility with the rural character of the village and to provide aesthetically pleasing fence facades. (Ord. 2007-O-16, 9-11-2007)

4-9-2: APPLICABILITY:

This chapter shall apply to all fences which front upon and are located within one hundred feet (100') of any state or county highway or scenic road as described in [chapter 11](#) of the 1999 Long Grove comprehensive plan, as amended. Nothing in this chapter is intended to supersede otherwise applicable restrictions for conservancy districts, scenic corridor easements, and other protected areas, as set forth in this code or in recorded easement restrictions. In the event of a conflict between the provisions of this chapter and any other provision of this code or easement restriction, the stricter provision shall control. (Ord. 2007-O-16, 9-11-2007)

4-9-3: STANDARDS:

Except as otherwise specifically approved by the village board in accordance with section [4-9-4](#) of this chapter, all fences installed after September 1, 2001, shall conform with the following standards:

- (A) The fence facade, when viewed from the road right of way and excluding fence posts, shall be at least seventy percent (70%) open air (nonmaterial). An example of fencing which meets this standard would be a split rail fence. Fences with a solid facade such as stockade fences are prohibited.
- (B) Fence posts shall not exceed six inches by six inches (6" x 6") in dimension and shall be spaced not less than eight feet (8') apart.

- (C) The maximum height of the fence shall not exceed four feet (4') as measured from existing grade.
- (D) Fences shall be constructed with natural, nonmanmade materials such as wood.
- (E) No fence shall be located within the road right of way or on public property. (Ord. 2007-O-16, 9-11-2007)

4-9-4: EXCEPTIONS:

- (A) Height And Materials: The village board may, upon good cause shown and by resolution duly adopted at a meeting of the village board, approve an exception from the maximum fence height limitation contained in subsection [4-9-3\(C\)](#) of this chapter or the fence material restriction contained in subsection [4-9-3\(D\)](#) of this chapter.
- (B) Open Air Fences: The village board may approve an exception from the seventy percent (70%) open air limitation contained in subsection [4-9-3\(A\)](#) of this chapter, subject to the following:
1. Procedures:
 - (a) An application for an exception from the open air fence limitation must be filed with the village manager stating the reasons for requesting relief.
 - (b) The village board will hold a public hearing to consider the application for relief. Notice of the hearing must be published at least ten (10) days prior to the scheduled hearing.
 - (c) The village board may, but is not required to, refer the application for relief to the conservancy/scenic corridor easement committee for its review and recommendations.
 - (d) If the village board determines that the application meets the provisions of this subsection (B), the village board may approve the exception by resolution.
 2. Standards: The village board is authorized to grant an exception from the open air fence limitation of subsection [4-9-3\(A\)](#) of this chapter upon a determination that the exception is, in light of all applicable circumstances, in the best interests of the village and will not materially affect the character of the village. In making any such determination, the village board must find that all of the following standards are satisfied:
 - (a) The applicant has demonstrated that the open air fence limitation of subsection [4-9-3\(A\)](#) of this chapter causes a practical difficulty or particular hardship to the applicant.

Examples of a practical difficulty or particular hardship might include the location or orientation of the existing principal structure on the lot or the impracticability of an alternative solution such as a berm.

- (b) The existing principal structure on the property is not more than thirty five feet (35') from the road right of way.
- (c) The existing principal structure on the lot has historic value or contributes to the character of the village. In the event that the principal structure is demolished, the fence must be promptly removed or brought into compliance with subsection 4-9-3(A) of this chapter.
- (d) The application provides certain public benefits, including, without limitation, the installation of substantial landscaping on the lot.
- (e) The applicant agrees: 1) to maintain the fence and any associated landscaping and 2) to authorize the village to undertake such maintenance in the event the owner of the property fails to do so (and recover the cost thereof from the owner of the property).
- (f) The applicant agrees to record appropriate covenants and easements on the property to assure compliance with the standards and any conditions associated with the grant of an exception. (Ord. 2007-O-16, 9-11-2007)

4-9-5: AMORTIZATION:

Any fence which exists as of August 31, 2001, and which does not conform with the standards set forth in section 4-9-3 of this chapter, shall be brought into compliance with these standards on or before September 1, 2011. (Ord. 2007-O-16, 9-11-2007)

the Historic Business District, religious institutions, and the golf and country clubs. The maintenance of these roads is the responsibility of the county. [1979, 1991]

Lake Cook road is maintained by Cook County and serves as a major urban arterial with a status similar to Routes 22 and 60. Cook County has periodically upgraded this road to accommodate increasing levels of traffic. Because of these improvements, this road serves traffic more effectively than the State Route 22 and 60. Additional improvements are needed, including major turn improvements on Lake Cook Road at Arlington Heights Road and Route 53. A right turn, northbound turn lane onto Old Route 53 from westbound Lake Cook should be added. [1999]

Local Streets (Village and Township Roads)

Certain selective local streets provide access to abutting residences. These collect individual trips for delivery to county and state highways. Local streets, as defined in this comprehensive plan are those streets which are under the jurisdiction of either the Village of Long Grove or township roads. [1979, 1991]

Private Streets

In addition to the network of public roadways, there are numerous private roads within the Village. These private roads provide the bulk of the access to the residential areas of the Village. It shall be Village policy to encourage private roads and to only accept dedicated roads under special circumstances. A reduction in length of dedicated roads will assist the Village in maintaining its no tax levy policy. [1979, 1991]

Scenic Roads

The Village of Long Grove has a number of roadways which pass through, or are bordered by, significant man-made or natural features and vegetation. The atmosphere and quality of these roads are significant resources in and of themselves. They exert a strong influence on the overall character of the residential, commercial, and recreational areas which they serve.

Criteria for designating a particular roadway or segment as a scenic roadway shall consist of the following: [1991]

1. The maintenance of the roadway in a rural or low traffic impact condition will help preserve the character of the surrounding neighborhoods and adjacent parcels. Thus, the character of the surrounding neighborhoods and adjacent parcels shall, in part, determine the quality of the scenic roadway provided. [1991]
2. The roadway or segment contains important or distinctive vegetation, trees, topography, scenic vistas, open areas, historic or other man-made structures, or natural resources. [1991]

3. The roadway or segment lies within the jurisdictional boundaries of the Village of Long Grove. [1991]

Roadways or segments designated as scenic roadways shall be preserved to meet each of the three standards stated above. This means retention of existing rights-of-way except as would be required for major intersections. Preservation would also mean no clearing in rights-of-way, retention of steep side slopes, signage identifying the road or segment as a scenic roadway, and posting of reduced speeds. In the event improvements or realignments are proposed, careful scrutiny will be given to the design so that no negative impacts to the surrounding natural resources are created that significantly alter the visual aspects and/or other character of the area. [1991]

Road segments that have been designated scenic roads in Long Grove are: Long Grove Road (see Appendix I for standards), Old McHenry Road, Cuba Road, N. Krueger Road, Robert Parker Coffin Road, Port Clinton Road, Oakwood Road, Indian Creek Road, Checker Road, and North Arlington Heights Road. [1991]

Roadway Standards

Public roadways shall conform to the specifications and requirements of the Village of Long Grove Subdivision Ordinance. All improvements to roadways within the Village shall be designed so that they are sensitive to and preserving of the topographic features, natural resources, surrounding character, and locally occurring trees and vegetation, both within and adjacent to the rights-of-way. [1991]

Roadway System Improvements

This section of the Village Comprehensive Plan sets forth the planned roadway system improvements which the Village deems necessary during the planning period. These planned improvements address state highways, county arterials, and local roads. [1991]

Appendix I presents, in summary form, the average daily traffic count for the Long Grove area. It is clear that traffic volumes within the Long Grove area are increasing and the Village must take specific steps to address the problems associated with such increases as they are related to each of the roadway classifications. [1991]

State Highways

Route 53/FAP 342 Alignment: IDOT and ISTHA have proposed the FAP 342 alignment of Route 53. If this alignment is constructed, it will result in an increase in intensity of commercial and urban uses along the corridor with its corresponding deleterious effects upon the region, county, and villages (see discussion beginning on page 11-2 of this chapter). [1979, 1991, 1999]

Illinois Route 83: As previously mentioned, the Village of Long Grove is committed to working with neighboring communities and local and regional agencies to design

7-5-13: FENCING:

Subject to the prior review and approval of the CSC, rustic fences shall be permitted in conservancy district, scenic corridor, and woodland conservancy easements where congruent with lot lines to preserve area and foster greater privacy. The petitioner must demonstrate that:

- (A) The fence would protect the area from vehicles or other disturbances; or

- (B) The fence would help to preserve unusual feature of area; or

- (C) The fence would foster privacy and safety for natural wildlife or vegetation. (Ord. 2007-O-04, 4-24-2007)