DATE: April 10, 2024

TO: Joliet Plan Commission

FROM: Planning Staff

SUBJECT: ZO-1-24: Zoning Ordinance Amendment to Add Section 47-3.9 Miscellaneous Terms Subsection (CC): Definition for Fences

GENERAL INFORMATION:

APPLICANT: City of Joliet

REQUESTED ACTION: Approval of Zoning Ordinance Amendment to Section 47-3.9 Miscellaneous Terms Subsection (CC): Definition for Fences

PURPOSE: To add a definition for fences to the Zoning Ordinance

SPECIAL INFORMATION: The proposed Zoning Ordinance amendment will define what types of materials can be used to construct a fence on property within the City of Joliet. The Zoning Ordinance currently does not define or address fence material. Adding a clear definition will allow the City to address code enforcement issues related to fences and will clarify the standards for residents and contractors. The proposed definition will allow the use of many types of commercial-grade fence materials, including wood, metal, and vinyl.

The proposed definition, which would be subsection (CC) *Fence* under Section 47-3.9 *Miscellaneous Terms*, is:

A fence is commercial grade material that encloses an area, typically outdoors, constructed from posts that are connected by boards and rails (wood fencing), wire (chain link fencing), metal posts (wrought iron or aluminum style fencing), vinyl (synthetic resin or plastic fencing) or composite (usually made from recycled ground plastic and sawdust held together by resins and formed by being pressed in high-pressure molds). A fence differs from a wall in not having a solid foundation along its whole length.

This amendment was reviewed by the Land Use and Legislative Committee at their meeting on March 14, 2024 and was recommended for approval.

SUMMARY: Approval of the proposed amendment will add a definition for the term “fence” to the City’s Zoning Ordinance.

ORDINANCE NO._____

AN ORDINANCE AMENDING ARTICLE III, SECTION 47-3.9 OF THE ZONING ORDINANCE OF THE CITY OF JOLIET CODE OF ORDINANCES
(Adding the definition of "Fence" under Miscellaneous Terms)

WHEREAS, the Mayor and City Council of the City of Joliet, Illinois (City) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Mayor and City Council have seen fit to regulate the definition for fences that are constructed within the City in order to clarify the permitted types of fence materials; and

WHEREAS, all hearings required to be held before agencies of the City took place pursuant to proper legal notice, including the public hearing before the City of Joliet Plan Commission, to consider the proposed amendment; and

WHEREAS, the City of Joliet Plan Commission recommended approval of the amendment; and

WHEREAS, the City of Joliet is a home rule unit of local government.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, PURSUANT TO ITS HOME RULE AND STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2: That ARTICLE III, SECTION 47-3.9 subsection CC of the ZONING ORDINANCE OF THE CITY OF JOLIET CODE OF ORDINANCES shall be amended to add the following:

> *Fence: A fence is commercial grade material that encloses an area, typically outdoors, constructed from posts that are connected by boards and rails (wood fencing), wire (chain link fencing), metal posts (wrought iron or aluminum style fencing), vinyl (synthetic resin or plastic fencing) or composite (usually made from recycled ground plastic and sawdust held together by resins and formed by being pressed in high-pressure molds). A fence differs from a wall in not having a solid foundation along its whole length.*

SECTION 3: In the event that any provision or provisions, or portion or portions of this ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 4: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this ___ day of _____, 2024

_____ _____

MAYOR **CITY CLERK**

VOTING YES: _____

VOTING NO: _____

NOT VOTING: _____