



TOWN COUNCIL COMMUNICATION

DATE: November 21, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Conduct a Public Hearing and consider an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A", the Zoning Ordinance, by deleting Chapter 20, "Fencing, Walls and Screening Requirements," and by amending Chapter 3, "Building Regulations" by adding Article 3.10, "Fences and Walls"; amending other Zoning Ordinance and Town Code Provisions accordingly. **(The Planning & Zoning Commission recommended approval by a vote of 4-1 at its November 1, 2023 meeting.)**

Summary: The Town of Bartonville has prepared a draft amendment to the Bartonville Code of Ordinances to revise the regulations affecting fences and walls for residential and commercial properties within the town. Following consultation with the Town of Bartonville's Development Review Committee (DRC), the following changes are being proposed in order to 1) maintain the open, rural character and high-quality aesthetic desired by Bartonville's residents, 2) protect residential uses from commercial impacts, and 3) remove fencing regulations from the Zoning Ordinance and instead locate them within the building regulations section of the Code of Ordinances.

A summary of the general amendments to the Code of Ordinances is as follows:

1. Deletes Chapter 20 of the Zoning Ordinance ("Fencing, Walls, and Screening Requirements"), and references new Chapter 3, Article 3.10 ("Fences and Walls"), where fence regulations can now be found in the Town Code;
2. Enacts a new Article 3.10 in Chapter 3 of the Town Code of Ordinances, which includes:
 - a) Relocation of Chapter 20's provisions and modifies them based on DRC input;
 - b) Adds definitions, permit requirements, allowed/prohibited fence materials provisions, maintenance requirements, moves the decorative fencing provisions from Zoning Ordinance Chapter 18 to Article 3.10, adds provisions to address non-conforming fences, adds variance procedures, and adds offense/penalties language;
 - c) Removes reference to any landscaping or "living" screening from fencing regulations or definitions so that it is not necessary to obtain a fence permit to have such landscaping act as a screen/fence-like barrier;
3. Modifies various provisions throughout the Zoning Ordinance to reference Chapter 3, Article 3.10 rather than old Zoning Ordinance Chapter 20, and other clean-up provisions; and
4. Modifies a Town Code provision and the fee provision in Appendix A, for consistency.

Staff Recommendation: Approve.

Public Comment: None.

Financial Information: Staff does not anticipate any financial impact from these proposed regulations.

Exhibits:

1. Draft Ordinance No XXX-23, Amending Fencing Regulations.
2. Published legal notice.