



MEMORANDUM

TO: Plan Commission
 FROM: Christopher Mathias, AICP
 SUBJECT: Code Amendment Discussion
 DATE: August 7th, 2020

At the July 22nd meeting, Staff received clear direction from the Plan Commission on the following City Council directed Chapter 35 amendment topics.

Fences:

1) Should fences in side yards and back yards be taller than 6 ft if they meet building setbacks?:

The consensus opinion from the Plan Commission was that they do not want fences taller than 6 feet on residential or commercial lots. There was a concern from at least one commissioner about restricting businesses from putting up fences taller than 6 feet. The example below shows how the tables would be edited to limit fences to 6 feet in all districts other than industrial. In the required front yard, fences would be limited to 42 inches just as they are now. In a front yard (outside of the required front setback), in a side yard or in a rear yard, fences would be allowed up to 6 feet but could not exceed, regardless of whether or not they meet building setbacks.

**Table 35-3201.3
 Residential and Resource Districts
 Minor Accessory Structures and Obstructions Permitted in Required Yard Setbacks**

	All Setbacks	Front Setbacks	Side Setbacks	Rear Setbacks	Limitations ⁽¹⁾
<u>Fences, walls & hedges ⁽²⁾</u>					
Barbed Wire	√				Agricultural and Conservation Districts only, 5 feet from right-of-way.
Electric Fence	√				Agricultural District only for enclosure of livestock; charge should not be greater than 25 milliamperes nor a pulsating current larger than 1/10 second in a one second cycle; fence to carry the seal of an approved testing laboratory.
Fence Wall		√			Not more than 42 inches in height and not less than one foot from front property line when constructed in the required front yard.
Fence Wall			√	√	Not more than 6 feet in height when constructed out of the required front yard.
Hedge	√				Not more than 16 feet in height.
Retaining Wall	√				Not more than 6 feet in height, terraced slopes to have a minimum of 3 feet horizontal distance between walls.

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Table 35-3301.2

	All Setbacks	Front Setbacks	Side Setbacks	Rear Setbacks	Limitations ⁽¹⁾
<u>Fences, walls & hedges ⁽²⁾</u>					
Barbed Wire	√				Industrial Districts only, no less than 8 feet above grade and 5 feet from right-of-way. All other districts by special use permit only.
Fence Wall		√			Not more than 42 inches in height and not less than one foot from front property line when constructed in the required front yard.
Fence Wall			√	√	Not more than 6 feet in height when constructed out of the required front yard. Fences in Industrial districts may exceed 6 feet if they meet building setbacks.

2) “Grandfathered” Fences: Should the City pursue enforcement over time?:

The consensus of the Plan Commission was not to pursue enforcement of non-conforming fences, as you can see from the minutes. The Commission discussed the difficulty in inventorying all nonconforming fences within the City and the difficulty in implementation. They also discussed at what point a fence could be repaired versus complete removal or replacement.

3) Chain link fence exceptions for “public service and utility uses?”:

The consensus of the Plan Commission was to keep the exception for public service and utility uses in the Code. The Commission discussed areas where this new requirement could cause concern, one example being City parks.

Personal Storage:

Over the last month or two, City Staff have had numerous conversations with the Plan Commission regarding the “Personal Storage” land use. Recently, the moratorium on new personal storage land uses was approved by the City Council. Various empty commercial buildings have converted to personal storage in recent years. There is a concern that personal storage is taking over already scarce commercially zoned land.

At the July 22nd meeting, Plan Commission agreed to pursue an amendment of Chapter 35 to change the personal storage land use to a prohibited land use in the B-4 district. Staff believes this proposal is consistent with the review criteria in Sec 35-2203(c) and will provide a detailed analysis of these criteria at the August 12th meeting. The example below shows how Staff is proposing to amend Table 35-3401.1.

**Table 35-3401.1.
Permitted Land Uses**

Type of Land Use														
Conservation (C-2)													Principal Storage, Wholesaling & Industrial Land Uses (Sec. 35-3410)	
General Agricultural (AG-2)														
One-Family Residential (R-2)														
One-Six Family Residential (R-4)														
Multi-Family Residential (R-6)														
Office District (O-1)														
Office/Research Park (ORT)														
Neighborhood Business (B-1)														
Neighborhood Center (NC)														
Central Business (B-2)														
Community Business (B-3)														
Highway/Intensive Business (B-4)										P	P	P		(a) Storage, Personal
Light Industrial (I-1)										P	P	P		(b) Storage and Wholesaling, Indoor
General Industrial (I-2)										P	P	P		(c) Storage and Wholesaling, Outdoor