

**ORDINANCE AMENDING SECTION 5-3-9(F) OF THE VILLAGE'S ZONING REGULATIONS TO AMEND BULK REGULATIONS CONCERNING FENCE AND BERM HEIGHT**

**WHEREAS**, the Village of Barrington Hills (hereinafter the "Village") is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the Village of Barrington Hills is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village of Barrington Hills, to regulate properties located within the municipal boundaries of the Village; and

**WHEREAS**, in furtherance of this authorization, the Village of Barrington Hills has adopted a zoning code, set forth in Title 5 Zoning Regulations of the Village's Municipal Code to, among other purposes, effectuate the Village's planning program and to regulate individual property use by establishing use districts, building site requirements, setback, density, parking and height regulations, and by specifying external impact standards for noise, smoke, odor, glare and vibration; and

**WHEREAS**, Section 5-10-6(B) of the Village's Municipal Code permits the Zoning Board of Appeals to initiate an amendment to the Village's Zoning Code, where such amendment is deemed reasonable and necessary; and

**WHEREAS**, the Zoning Board of Appeals determined that an amendment to Section 5-3-9 of the Zoning Code, concerning bulk regulations was needed to amend permitted fence and berm height; and

**WHEREAS**, Notice of Public Hearing with respect to the proposed text amendment was published in the Daily Herald Newspaper in the Village of Barrington Hills, as required by the Village Code and statutes of the State of Illinois; and notice of the Public Hearing was provided as required by the Illinois Open Meetings Act; and

**WHEREAS**, pursuant to said Notice, the Zoning Board of Appeals of the Village of Barrington Hills met from time to time to conduct a Public Hearing on the proposed text amendment, culminating with the Public Hearing at a regular meeting held on September 9, 2024, and after hearing testimony concerning the amendment, the Zoning Board of Appeals voted 5-1 in favor of a motion to recommend adoption of the text amendment to increase as set forth therein, permitted fence and berm height; and

**WHEREAS**, the Zoning Board of Appeals has forwarded its findings and recommendation in regard to the text amendment to the Village Board, in the Findings and Recommendation, attached hereto and incorporated herein by reference as Exhibit A; and

**WHEREAS**, the President and Village Board of Trustees has considered the matter and determined that those proposed text amendment to Title 5 Zoning Regulations, section 5-3-9 (F) be approved, as such action is believed to be in the best interests of the Village and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Barrington Hills, a home rule community located in Cook, Lake, Kane and McHenry Counties, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That Title 5 Zoning Regulations, Chapter 5, section 5-3-9(F) shall be amended to state as follows:

**5-3-9: BULK REGULATIONS:**

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(F) Permitted Obstructions In Required Yards: The following shall not be considered to be obstructions when located in the required yards specified:


1. In All Yards: Open terraces but not including a permanently roofed over terrace or porch; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting eighteen inches (18") or less into the yard; recreational and laundry drying equipment; arbors and trellises; flagpoles; fences, walls and manmade berms not exceeding ~~five feet (5')~~ six feet (6') in height above natural grade level; and open type fence exceeding ~~five feet (5')~~ six feet (6') in height, but not more than eight feet (8') in height, provided that visibility at right angles to any surface of such fence not be reduced by more than fifty percent (50%); and containers of one cubic yard or larger in which refuse, manure or similar substances are placed but only on the day preceding, the day of, and the day after scheduled pick up or collection of the contents of the container, provided that if the container is three (3) cubic yards or larger, then the container may remain in the required yard at all times if the container is screened, for its entire height, from the view of any adjacent lot and any public or private street and right of way.


**SECTION THREE:** That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION FOUR:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 23rd day of September, 2024.

Ayes: 5 (Hoffmann, Hills, Strauss, Ekstrom, Riff)  
Nays: 0  
Absent: 1 (Clarke)

APPROVED:  
  
Village President

ATTEST:  
  
Village Clerk

**EXHIBIT A**

September 19, 2024

To: President and Board of Trustees  
Village of Barrington Hills

RE: ZBA Application for Text Amendment  
Berm, Fence Height

This is to advise you that at a public hearing of the Zoning Board of Appeals (“ZBA”), continued from time to time, and last held at 6:30 P.M. on Monday, September 9, 2024, in the MacArthur Room of the Village Hall, where a quorum was present, the ZBA considered the application of the ZBA (“Applicant”) for a text amendment to Bulk Regulations as set forth in Section 5-3-9(F) of the Zoning Code to amend fence and berm height from five to six feet, as shown by cross out and underline in the following:

**5-3-9: BULK REGULATIONS:**

...

(F) Permitted Obstructions In Required Yards: The following shall not be considered to be obstructions when located in the required yards specified:

1. In All Yards: Open terraces but not including a permanently roofed over terrace or porch; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting eighteen inches (18") or less into the yard; recreational and laundry drying equipment; arbors and trellises; flagpoles; fences, walls and manmade berms not exceeding ~~five feet (5')~~ six feet (6') in height above natural grade level; and open type fence exceeding ~~five feet (5')~~ six feet (6') in height, but not more than eight feet (8') in height, provided that visibility at right angles to any surface of such fence not be reduced by more than fifty percent (50%); and containers of one cubic yard or larger in which refuse, manure or similar substances are placed but only on the day preceding, the day of, and the day after scheduled pick up or collection of the contents of the container, provided that if the container is three (3) cubic yards or larger, then the container may remain in the required yard at all times if the container is screened, for its entire height, from the view of any adjacent lot and any public or private street and right of way.

Notice of the initial hearing was published in a timely manner in the Daily Herald, as well as posted in the Village Hall. The Public Hearing was properly continued from time to time, until the final hearing date of September 9, 2024. Prior to the start of testimony all those who wished to testify were placed under oath.

**FACTS**

The Applicant seeks a text amendment to increase fence and berm height from five feet to six feet, as set forth in the text amendment.

Testimony was heard from Anna Paul, Director of Administration for the Village, and from Matt Vondra, 332 Old Sutton Road, Barrington Hills.

On behalf of the Applicant, Ms. Paul testified that the amendment was recommended for consideration predicated on an earlier request from a resident for a variance from Section 5-3-9(F) to allow a fence height of six feet. In support of the request, the resident testified that six feet is a standard fence height, whereas, a five-foot fence is a special order, thus increasing the cost of installation of a fence. The ZBA

granted the variance on the testimony admitted, and then determined that an amendment to Section 5-3-9(F) should be considered to allow for a six ft. fence height, as a result an allowed berm height of six ft. should also be considered.

At the public hearing held on August 19, 2024 concerning the text amendment resident Matt Vondra testified in opposition to the text amendment stating that the shorter fence height was in keeping with the Village's open space and open views He also testified that if taller fences were allowed, the ZBA should consider setback requirements. As to berm height, Mr. Vondra stated his concern that taller berms could impact on drainage.

In consideration of Mr. Vondra's testimony, Ms. Paul testified on September 9, 2024, that the Village's engineer considered the testimony and stated that a change in berm height would not have an impact drainage as a permit would be required no matter that height, if an impact threshold was met. Regarding the fence setback consideration, she testified that this could be a matter for future amendment as there is no setback requirement for fences at present.

**FINDINGS/DISCUSSION/RECOMMENDATION**

The ZBA, after having examined the facts as presented, and taking in consideration the testimony set forth during the public hearing, voted 5-1 to recommend approval of the Application for the Text Amendment, finding that the application is in the best interests of the village for the reasons as testified to by Ms. Paul.

Respectfully submitted,

Zoning Board of Appeals  
Village of Barrington Hills