

**CITY OF LONG GROVE
PLAN & ZONE MEETING MINUTES – 18 JUNE 2018**

Present: Merle Hermsen, Kent Long, Bill Rehn and Mark Abdon

Absent: Nikki Sailor

Guests: Giles Looney, Larry and Cynthia Gregorich

Merle opened the meeting at 7:00 p.m. Kent motioned to approve the agenda, seconded by Bill.

Bill made a motion to approve the April 16th minutes, seconded by Kent.

Merle began the meeting by inviting Larry and Cynthia Gregorich to the council table. Cynthia began by distributing copies of pages from the Long Grove Subdivision Ordinance for the Board to review, pointing out the following statements:

Page 12 – Fence - A structure, other than a building, which is an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Page 3 – Accessory Building or Use - Accessory Structure. A subordinate structure detached but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Page 7 – Building, Structure – Anything constructed or erected with a fixed located on the ground or attached to something having a fixed

location on the ground. Structures include, but not limited to: buildings, walls, swimming pools, signs and fences.

Page 87 – Fences/Walls and Hedges – Fences, screening and walls are considered structures and as such must conform to district setback and must be maintained in good condition.

Page 43 – 2.4 Lot Area, Lot Width, and Yard Requirements.
Section C. Accessory building area requirements – Each accessory building shall be a minimum distance from the lot line as required for the side yard least width, greater than or equal to seven (7) feet.

Cynthia explained that they are interested in putting up a fence as they have an autistic grandchild. She said she didn't want to pull a permit and do something that wasn't allowed. Someone told her of the 7 foot setbacks and she said she couldn't understand that. She then asked City Hall for copies of the Long Grove ordinance as it pertains to fencing. She also called around to neighboring cities to see if any of them had the same requirements. None of them do. She said she feels the verbage in the subdivision ordinance is convoluted and messy and she would like to see it cleaned up.

Merle stated that the P&Z reviewed the entire fence ordinance in March of 2017. Bi-State prepared our Subdivision Ordinance – it was adopted in 1972, amended in 1976, 1997, 2008, and 2015. So referring to the Subdivision Ordinance, Merle directed Cynthia to go to the section referring to R1 Single Family Dwelling, then to Page 43 for further clarification.

Cynthia said that was where she became confused - the accessory building area requirements. When she looks at fence in the ordinance it says a structure other than a building.

Merle said if you refer to Page 43 Item 2.4 the minimum requirement for the lot area is 10,000 square feet. Under the lot width and yard

requirements, the side yard least width is 7 feet. Therefore, a fence would be allowed 7 feet from the property line.

Cynthia said when she sees the definition where the 7 feet comes in. Unfortunately they didn't encompass the verbage of fence in that statement. A fence does not fall under accessory building, it falls under a structure other than a building.

Merle then referred to Section 8.1 on Page 87 of the Subdivision Ordinance stating that fences, screening and walls are considered structures and as such must conform to district setback and must be maintained in good condition.

Cynthia said we still need to go back to the fact that there is convoluted verbage in the ordinance. She feels it is very confusing.

Bill agreed that it was not clear that 7 foot setbacks were required for fences. Merle said there are easements in the back of the lots for utilities. He mentioned a resident in his area had problems because the previous owner several years back had put their fence on the property line. When the new property owners decided to replace the old fence, the fencing company drilled through the main cable line when they installed the fence.

Mark said he dealt with the fencing ordinance personally last year. He stated that if he were to put a fence on his property he would have to stay 7 feet from his property line and if his neighbor was to put a fence on their property they would have to stay 7 feet from their property line which would leave 14 foot of ground behind their fences and no utilities are located there. So he agrees that it is confusing.

Cynthia said she contacted several cities to see how their fencing ordinances read. She said she contacted Ray in Eldridge who said he suggests that the property owners go in 22 inches from their property line so they can mow behind their fence and can repair their fence without stepping into their neighbor's yard. She talked to Wendy in LeClaire and

said she said that fences are allowed to be placed right on the property line and easements but it is the property owner's responsibility to remove them if the City ever has to do work in that easement. She also suggested leaving a mower width to your property line. Cynthia then talked to TJ in DeWitt and he said the same thing as LeClaire. She also talked with Jon in Bettendorf who said with all the new housing additions going up in Bettendorf, everyone wants to put up a fence. She handed out copies of sections of these other cities fencing ordinances to the P&Z members.

Merle stated that the fence ordinance of 7 foot setbacks has been enforced for 25 years.

Cynthia stated that she contacted her attorney, Gomez, and read the ordinance to him. He recommended getting a permit and putting the fence on the property line because according to him, the City of Long Grove can't enforce this ordinance, but she's said she's not that kind of person. Instead she is asking if this ordinance can be changed.

Merle questioned going back through Bi-State since they walked the City through the first writing of this fencing ordinance as well as the amendments.

Cynthia asked if Bi-State was prejudicial to fences or were the people of Long Grove prejudicial to fences at that time? Merle said he thought the problem at that time was the building of hap-hazard fences.

Cynthia asked Giles about the fencing in DeWitt. Giles said that they issue a lot of fence permits in DeWitt. His recommendation to the P&Z was to either stay with the 7 foot setbacks or change it to the property line, no increments in between. He also said if the fence ordinance is amended, he would suggest placing that amended fence regulation on Page 87 in Sections 8.1 or 8.2. That way if you looked up the fence ordinance it would be stated right there in black and white.

Merle asked Giles about Grunwald's addition and the fences installed there.

Giles said that Grunwald has a covenant against fences, but the city won't enforce his covenant. However, the City will enforce the 7 foot setbacks as stated in the current ordinance.

Mark stated that Long Grove is a growing community with young kids and pets and people want their privacy.

Cynthia thanked the P&Z for their open minds. She hoped they would consider changing the ordinance and allow families to put up aesthetically pleasing back yard fences on their property lines. She reiterated that the terminology in this ordinance is convoluted and needs clarified.

Merle stated he would like Bi-State to review this before any changes were made. Giles stated that he didn't think we need to go back through Bi-State, but that we should be able to clean up the fence ordinance and have the City Council sign a resolution changing it. The ordinance could then be reworked at a later date.

Kent said he isn't against changing the ordinance. Some of the neighborhoods in Long Grove weren't even in existence when the initial ordinance was written.

Cynthia and Larry left the meeting at 7:45 but she said she is available at any time if any of the Board members would like to discuss anything further with her.

Giles told the P&Z Board that he could obtain fence ordinances from other cities for them to review.

Merle stated that he could foresee problems with the residents in Grunwald's addition that have already installed fences using the 7 foot setback rule.

Bill stated the he feels the fence ordinance needs reviewed and that the material for the fencing should be reviewed as well.

Merle stated the city engineer and the attorney should review any changes. Giles said the attorney should review it, but he didn't think the engineer needed to be involved.

Merle stated that this fencing ordinance is a sticky issue and that it should be tabled for further review.

Giles suggested asking residents for their input. He suggested including a questionnaire in the newsletter that goes out with the utility billing at the end of the month. That way we would have input from the residents in time for the July P&Z meeting.

Kent made a motion to table this fencing ordinance discussion until further information can be obtained. Bill seconded the motion, all ayes.

Kent said we need to compare our fencing ordinance to other city's ordinances before taking any changes to the City Council. He also suggested getting a petition circulating for public response to this fencing ordinance.

Mark motioned to adjourn the meeting, Kent seconded the motion, all ayes.

Respectfully submitted by Pamela Petersen

Copies Attached of Zoning Ordinance Pages Referred to in Minutes