

15-O-99

**AN ORDINANCE**

**Amending Sections 6-4-6-7 and 6-18-3 and  
Deleting Section 6-3-8-12(C) of the Zoning Ordinance  
Regarding Fence Regulations**

WHEREAS, the Plan Commission held a public hearing on May 14, 1997, June 11, 1997, July 9, 1997, and August 13, 1997 regarding case 97-2-T(R) and a public hearing on October 8, 1997 regarding case 97-4-T(R) pursuant to proper notice to consider amending Sections 6-4-6-7 and 6-18-3 of the Zoning Ordinance regarding the regulation of fences within front yards; the relationship of fences to the front of buildings; appropriate construction of fences at intersections; and numerous text changes designed to clarify the text; and

WHEREAS, the Plan Commission found that the proposed amendments correct errata and clarify the text, thus improving understanding and implementation of the fence regulations; and

WHEREAS, the Plan Commission found that the Comprehensive General Plan states that the beauty of the City includes landscaped spaces, broad yards leading to houses, and openness; and

WHEREAS, the aforesaid desirable characteristics may be negatively affected by fences located between the fronts of buildings and the associated front lot lines; and

WHEREAS, the Plan Commission found that unique circumstances within neighborhoods, including, but not limited to, increased crime, increased traffic, and exceptionally short distances between the fronts of houses and front lot lines, may warrant the permitting of fences within front yards and/or street side yards; and

WHEREAS, the Plan Commission found that the City Council should have an expeditious approach to recognizing such unique circumstances within neighborhoods to permit fences within front yards and/or street side yards; and

WHEREAS, the Plan Commission found that, generally, fences accessory to nonresidential uses should be regulated in the same manner as fences accessory to residential uses; and

WHEREAS, the Plan Commission found that chainlink is not an appropriate fence material between any street lot line and the street-facing facade of the principal building, regardless of use; and

WHEREAS, the Plan Commission made a record of its proceedings, including written findings, that the aforesaid proposed amendments met the standards for a zoning text amendment set forth in Section 6-3-4-5 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, deletion of Section 6-3-8-12(C), relating to variations from fence standards for landmark structures and structures located in historic districts, is necessary to prevent a conflict with Section 6-4-6-7(I) relating to such fences, enacted by this Ordinance 15-O-99; and

WHEREAS, the Planning and Development Committee of the City Council considered the proposed amendments and recommended City Council approval thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the City Council hereby accepts the aforesaid record, findings, and recommendation of the Plan Commission and amends Title 6, the Zoning Ordinance of the Evanston City Code of 1979, as amended, as set forth below.

SECTION 2: That Section 6-3-8-12(C), "Variations From Fence Standards For Landmark Structures and Structures Located In Historic Districts" is hereby deleted in its entirety.

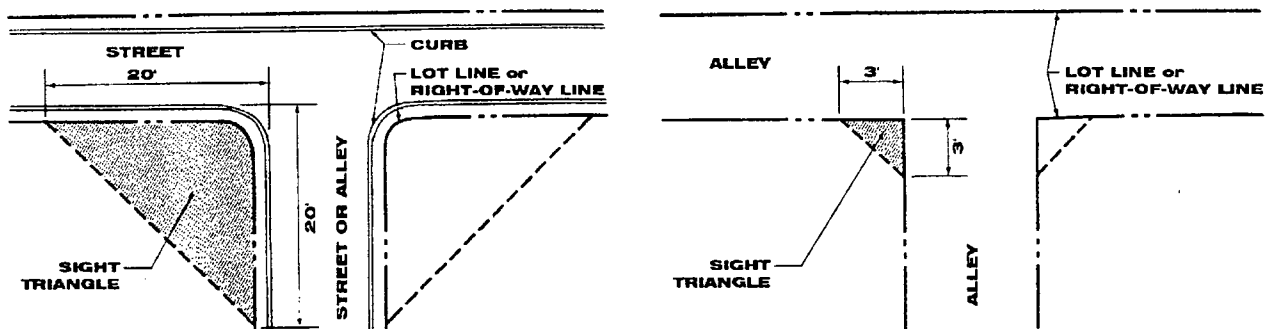
SECTION 3: That Section 6-4-6-7, as amended, be, and it hereby is, further amended, to read as follows:

Section 6-4-6-7:           **SPECIAL REGULATIONS APPLICABLE TO FENCES:** The following regulations shall apply to all fences erected, constructed, installed, or replaced after April 1, 1999. The standards regulating the permitted materials, locations, and heights of fences are summarized in Appendix **G** to this Ordinance, "Summary of Fence Regulations as Contained in Section 6-4-6-7 of the City of Evanston Zoning Ordinance."

- (A) Certificate of Zoning Compliance Required: No person shall erect, construct, install, or replace a fence without first receiving a Certificate of Zoning Compliance.
- (B) Fence Maintenance: All fences shall be maintained in good, structurally sound condition.
- (C) Fence Orientation: All fences shall have their finished face directed toward residential property or streets, where a residential property is adjacent to the subject property. However, the unfinished face may be oriented toward an alley.
- (D) Nonconforming Fences: Any fence legally existing on April 1, 1999 which does not conform to the regulations of Section 6-4-6-7 may remain as a permitted legal nonconforming use pursuant to the provisions of Chapter 6, "Nonconforming Uses and Noncomplying Structures". All legal nonconforming fences may be repaired or replaced, provided:
  - 1. Any repair to or replacement of a legal nonconforming fence shall neither increase the degree of nonconformity nor create any new noncompliance that did not exist prior to April 1, 1999 or prior to the effective date of any amendatory Ordinance which caused a previously legal existing fence to not conform with the regulations of Section 6-4-6-7;

2. Any replacement of a legal nonconforming fence shall neither increase the fence height beyond the maximum permitted fence height nor increase the fence opacity by more than 30 percent;
  3. Any replacement of a legal nonconforming fence shall ensure that adequate sight distance at a street or alley intersection is provided in accordance with Section 6-4-6-7 (E); and
  4. Any repair to or replacement of a legal nonconforming fence shall be complete within 1 year of the start of such action. If the repair or replacement is not completed, the fence shall lose its legal nonconforming status, and all characteristics of the fence must conform to the City Code. The Zoning Administrator may grant one 1-year extension upon a written request by the property owner and finding that extenuating circumstances, such as, but not limited to, unfavorable weather for construction and acts of God, warrant the extension.
- (E) Sight Distance Required: Any person erecting, constructing, installing, or replacing a fence shall ensure that adequate sight distance is provided at the intersection of two streets, two alleys, or a street and an alley. To accomplish said objective, no fence shall exceed a height of 30 inches when said fence is located within 20 feet of a street and street intersection or a street and alley intersection as measured in Figure 6-4-6-7 (E). Similarly, no fence shall exceed a height of 30 inches when said fence is located within 3 feet of an alley and alley intersection.

**FIGURE 6-4-6-7 (E)**  
**MEASURING SIGHT DISTANCE REQUIREMENTS FOR FENCES AT INTERSECTIONS**



(F) Special Regulations for Fences Accessory to All Uses within the Residential, Business, Commercial, Transitional Campus, University, Downtown, and MU Transitional Manufacturing Districts and Residential and Mixed Uses within the MUE Transitional Manufacturing District: The following standards shall regulate the erection, construction, replacement, or installation of a fence accessory to all uses within the R1, R2, R3, R4, R5, R6, B1, B2, B3, C1, C1a, C2, T1, T2, U1, U2, U3, RP, O1, OS, D1, D2, D3, D4, and MU Districts and residential and mixed uses within the MUE District:

1. Permitted Fence Materials: The permitted materials for fences accessory to the uses listed in Section 6-4-6-7 (F) are:
  - (a) wood;
  - (b) wood-polymer lumber, provided said material consists of at least 50 percent post-consumer and/or post-industrial wood fiber;
  - (c) wrought iron;
  - (d) masonry or stucco wall;
  - (e) chain link, provided said material shall only be permitted within the area between a street lot line and 3 feet behind any street-facing facade of the principal building where the required front and/or street side yard abuts a Type 1 Street, and the City Council has specifically listed chain link as a permitted fence material along the said Type 1 Street; and
  - (f) PVC, provided:
    1. any post or horizontal component does not have a circular cross section;
    2. any post or horizontal component has a wall thickness of at least 0.120 inches;
    3. all fence material is solid-wall extruded, ensuring any coloring is consistent throughout the fence material;
    4. all fence material is recyclable at the conclusion of its useful life; and
    5. said fence material meets the material properties and physical properties standards as established in Standard Specification F964-94 of the 1996 Annual Book of ASTM Standards (American Society for Testing and Materials).

2. Permitted Fence Location: The permitted locations for fences accessory to the uses listed in Section 6-4-6-7 (F) are:
  - (a) required front yard, provided:
    1. the required front yard is adjacent to a Type 1 Street; and
    2. wood, wood-polymer lumber, wrought iron, or PVC fences shall have a maximum fence opacity of 70 percent;
  - (b) required street side yard, provided:
    1. the required street side yard is adjacent to a Type 1 Street; and
    2. wood, wood-polymer lumber, wrought iron, or PVC fences shall have a maximum fence opacity of 70 percent;
  - (c) required interior side yard, provided any fence located within a required interior side yard shall be set back from any front-facing facade of the principal building by 3 feet, unless said fence is connected to a portion of fence permissibly located within the required front yard or required street side yard;
  - (d) required rear yard; and
  - (e) building envelope, provided any fence located within the building envelope shall be set back from any front-facing facade of the principal building by 3 feet, unless said fence is connected to a portion of fence permissibly located within the required front yard or required street side yard.
3. Permitted Fence Height: Fences accessory to the uses listed in Section 6-4-6-7 (F) shall not exceed 6 feet in height, except:
  - (a) fences shall not exceed 4 feet in height when located within the area between a front lot line and 3 feet behind any front-facing facade of the principal building or when located within a required street side yard, unless said fence is located as described in Section 6-4-6-7 (F) 3.b., permitting the fence to not exceed 8 feet in height.
  - (b) fences shall not exceed 8 feet in height when located within a required interior side yard or required rear yard and when the lot line associated with said required yard or an abutting alley is a boundary between a residential use and a nonresidential use;

- (c) temporary construction fences shall not exceed 8 feet in height, provided the applicant conforms with Section 6-4-8-4; and
- (d) open mesh-type fences accessory to parks, recreational areas, and school sites shall have no height restrictions.

(G) Special Regulations for Fences Accessory to Nonresidential Uses within the MUE Transitional Manufacturing District and All Uses within the Industrial Districts: The following standards shall regulate the erection, construction, replacement, or installation of a fence accessory to a nonresidential use in the MUE District and any use within the I1, I2, and I3 Districts:

1. Permitted Fence Material: The permitted materials for fences accessory to the uses listed in Section 6-4-6-7 (G) are:
  - (a) wood;
  - (b) wood-polymer lumber, provided said material consists of at least 50 percent post-consumer and/or post-industrial wood fiber;
  - (c) wrought iron;
  - (d) masonry or stucco wall;
  - (e) chain link, provided said material is located within the required interior side yard or required rear yard;
  - (f) PVC, provided:
    1. any post or horizontal component does not have a circular cross section;
    2. any post or horizontal component has a wall thickness of at least 0.120 inches.
    3. all fence material is solid-wall extruded, ensuring any coloring is consistent throughout the fence material;
    4. all fence material is recyclable at the conclusion of its useful life; and
    5. said fence material meets the material properties and physical properties standards as established in Standard Specification F964-94 of the 1996 Annual Book of ASTM Standards (American Society for Testing and Materials);

(g) Barbed wire, provided:

1. said fence material is located within the required interior side yard or required rear yard;
2. said fence material is located above the height of 6 feet; and
3. said fence material conforms with Section 7-5-2 of the City Code; and

(h) Unfinished concrete or cinder block walls.

2. Permitted Fence Locations: The permitted locations for fences accessory to the uses listed in Section 6-4-6-7 (G) are:

- (a) required front yard;
- (b) required street side yard;
- (c) required interior side yard;
- (d) required rear yard; and
- (e) building envelope.

3. Permitted Fence Height: Fences accessory to the uses listed in Section 6-4-6-7 (G) shall not exceed 8 feet in height, except open mesh-type fences accessory to parks, recreational areas, and school sites shall have no height restrictions.

(H) Permitting Fences within Required Front and Required Street Side Yards: The City Council may designate residentially-zoned properties along certain streets or portions thereof as appropriate locations for fences within the required front and required street side yards. These certain streets or portions thereof are designated "Type 1 Streets". Ordinance 31-O-99 sets forth the process for designating a street or portion thereof as a Type 1 street and contains a list of Type 1 designated streets.

(I) Historic Fences: No person shall erect, construct, install, or replace a fence accessory to an Evanston landmark or a use located within a designated Historic District without first receiving a Certificate of Appropriateness from the Preservation Commission.

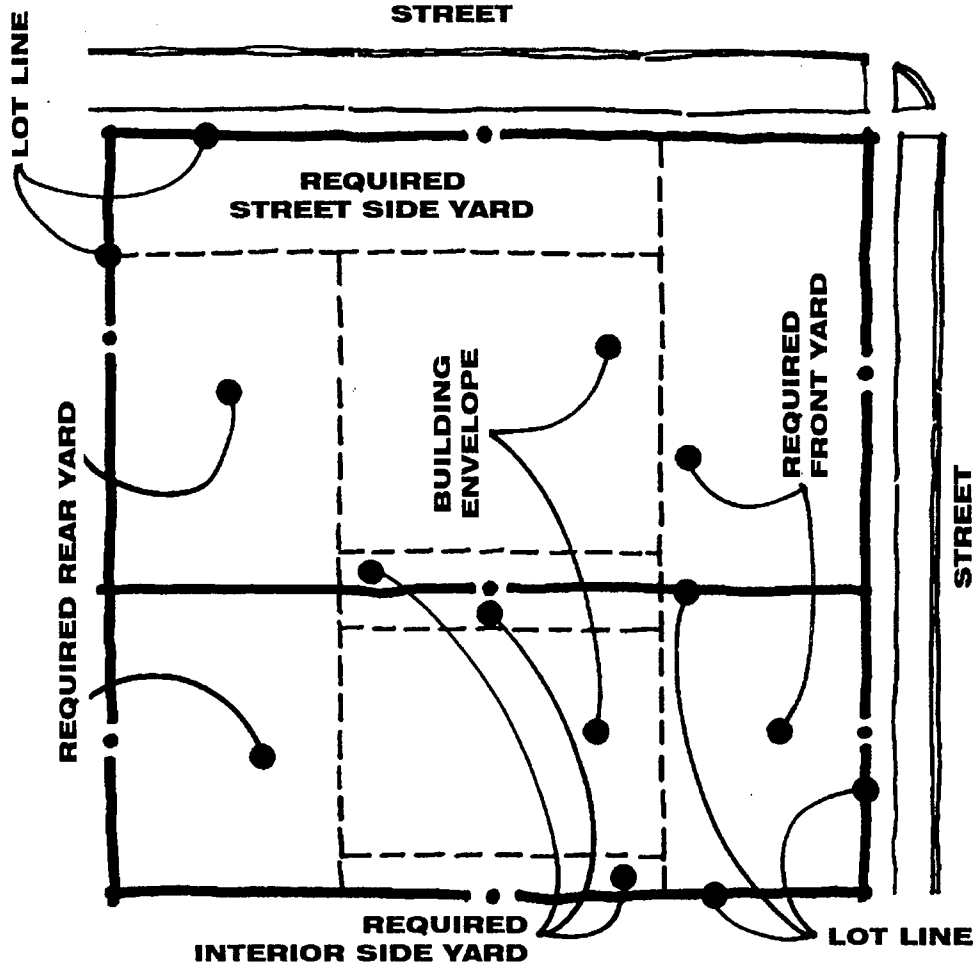
SECTION 4: That Section 6-18-3, as amended, be, and it hereby is, further amended, by adding the following definitions and figures, in appropriate alphabetical order, to read as follows:

Section 6-18-3: **DEFINITIONS:** For the purposes of this Ordinance, the following terms shall have the following meanings:

**BUILDING ENVELOPE**  
(for review of fences only).

That area of a zoning lot within which a structure may be built and consisting of that area not within the required front yard, required street side yard, required side yard(s), and required rear yard (See Figure 6-18-3, ZONING LOT COMPONENTS).

FIGURE 6-18-3  
ZONING LOT COMPONENTS

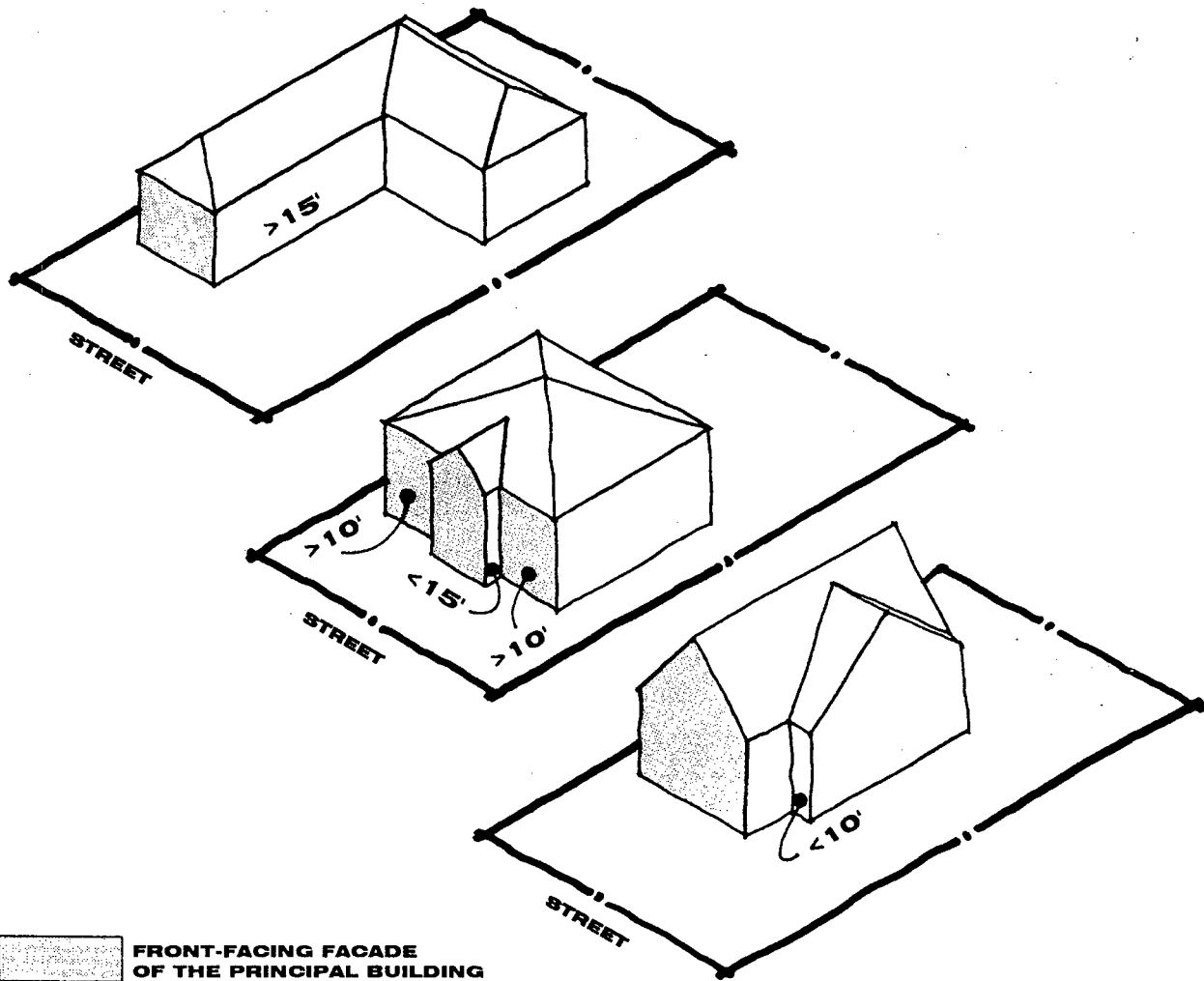




FACADE OF THE PRINCIPAL BUILDING,  
FRONT-FACING.

Any facade of the principal building which approximately parallels the front lot line, exceeds 10 feet in length, and is located within 15 feet of that portion of, or is, the facade of the principal building closest to the front lot line (See Figure 6-18-3, FRONT-FACING FACADE OF THE PRINCIPAL BUILDING).

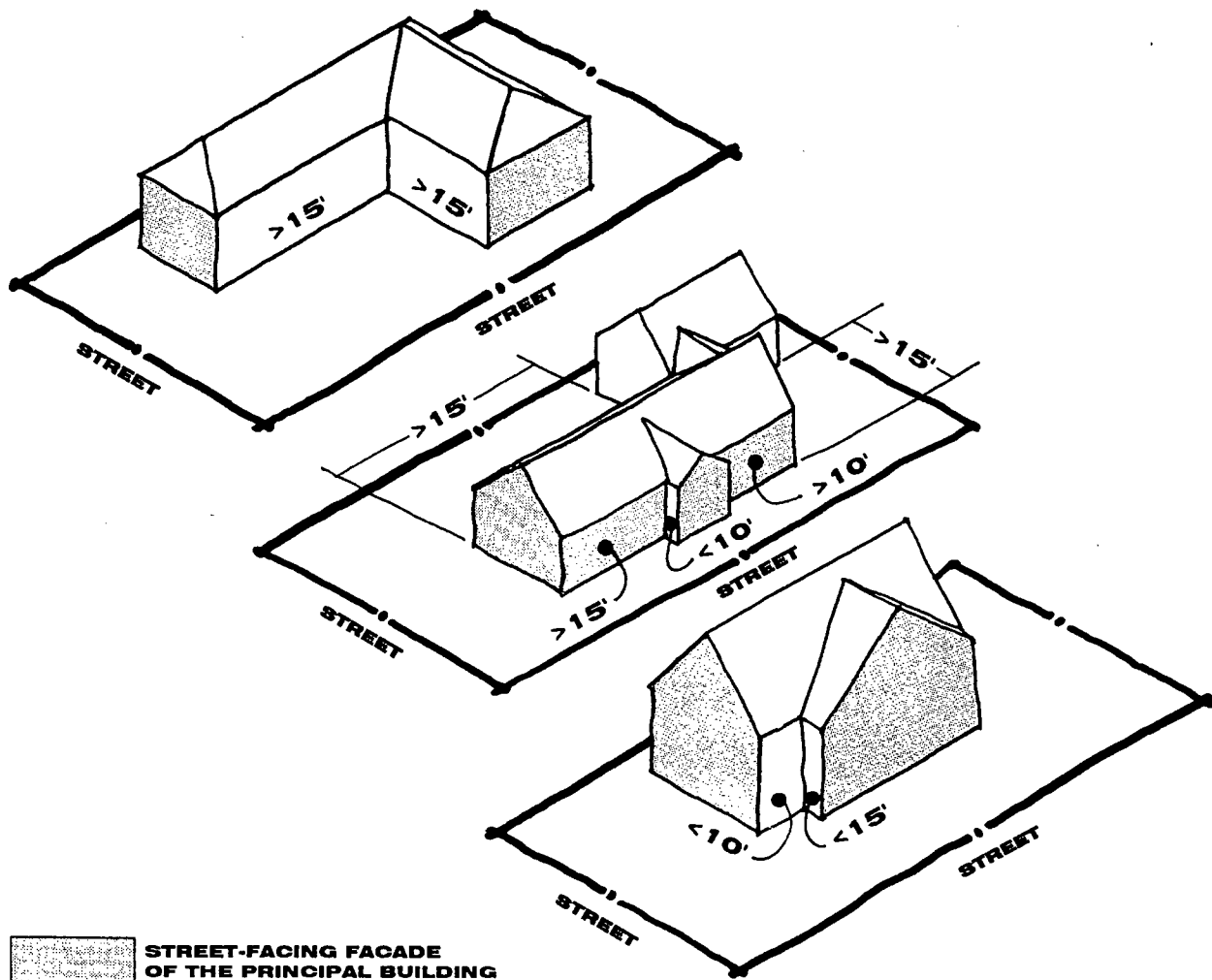
FIGURE 6-18-3  
FRONT-FACING FACADE OF THE PRINCIPAL BUILDING



FACADE OF THE PRINCIPAL BUILDING,  
STREET-FACING.

Any facade of the principal building which approximately parallels a street lot line(s), exceeds 10 feet in length, and is located within 15 feet of that portion of, or is, the facade of the principal building closest to the corresponding street lot line (See Figure 6-18-3, STREET-FACING FACADE OF THE PRINCIPAL BUILDING).

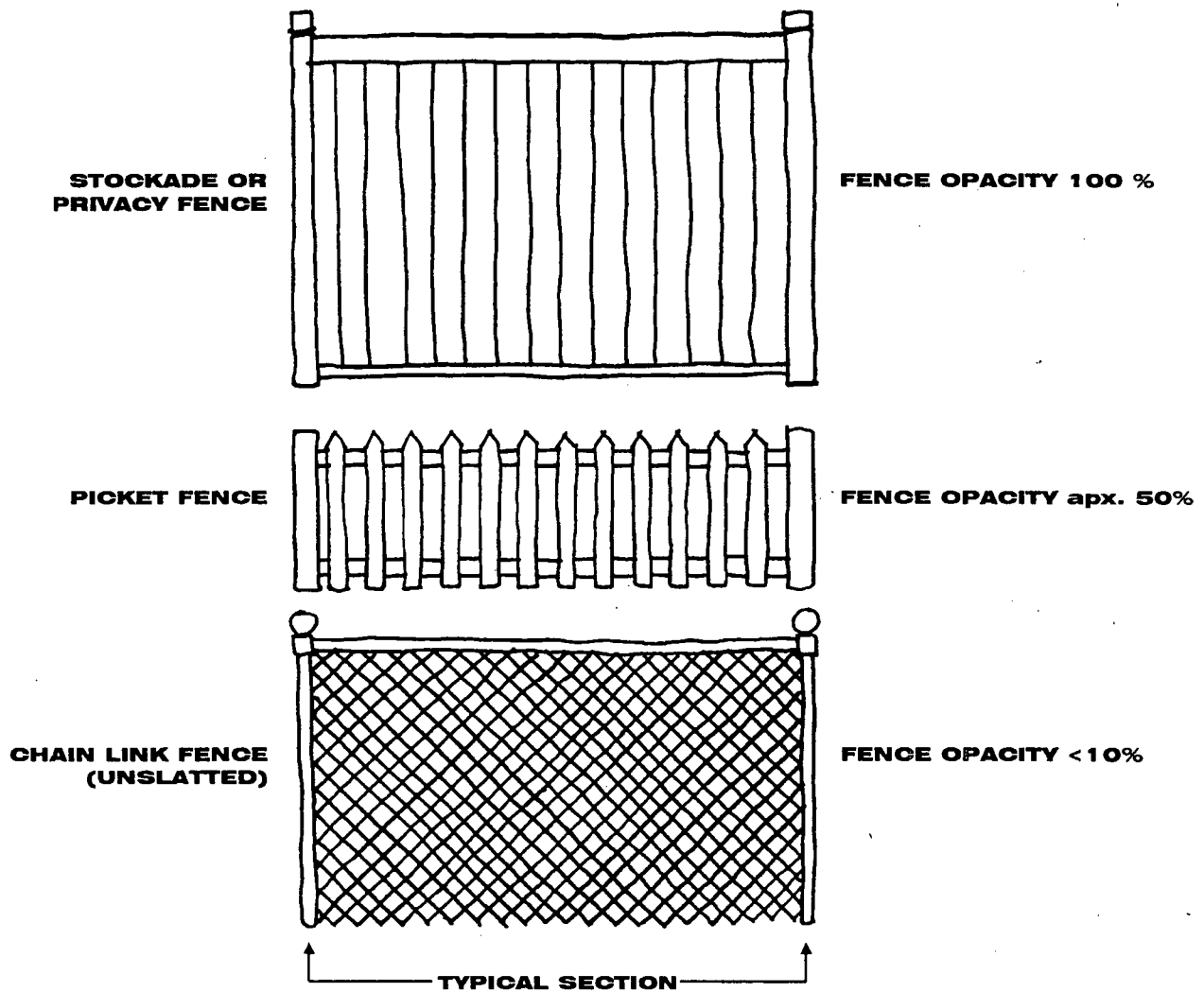
FIGURE 6-18-3  
STREET-FACING FACADE OF THE PRINCIPAL BUILDING



OPACITY, FENCE.

A measurement of the amount of vision blocked by the various components of a fence, expressed as a percent. Fence opacity shall be measured across a typical section of fence, from the vertical center line of one fence post to the vertical center line of a second fence post (See Figure 6-18-3, FENCE OPACITY).

FIGURE 6-18-3  
FENCE OPACITY



REPAIR

(for review of fences only).

Any action in which a person fixes, mends, restores, or removes that portion of a fence which provides its opacity (e.g. vertical boards, slats, pickets, chain link) and/or associated horizontal supports. Repair shall include any action to an existing fence not specifically included within the definition of "replace".

REPLACE

(for review of fences only).

Any action in which a person removes more than 25 percent of the number of posts within a fence, except any action in which a person removes 3 or fewer posts.

STREET, TYPE 1.

A street or portion thereof upon which the City Council has found by Ordinance that fences are permitted in the required front or required street side yards of properties adjacent to said street or portion thereof.

YARD, FRONT REQUIRED.

(for review of fences only).

That area on a zoning lot between the front lot line, two side lot lines (interior or street), and the line established by the front yard requirement of each zoning district or Section 6-4-1-9 (A) 3. or (A) 5. (See Figure 6-18-3, ZONING LOT COMPONENTS).

YARD, INTERIOR SIDE REQUIRED.

(for review of fences only).

That area on a zoning lot between the interior side lot line, the line established by the front yard requirement of each zoning district or Sections 6-4-1-9 (A) 3. or (A) 5., the line established by the rear yard requirement of each zoning district, and the line established by the side yard requirement of each zoning district (See Figure 6-18-3, ZONING LOT COMPONENTS).

YARD, REAR REQUIRED

(for review of fences only).

That area on a zoning lot between the rear lot line, two side lot lines (interior or street), and the line established by the rear yard requirement of each zoning district (See Figure 6-18-3, ZONING LOT COMPONENTS.).

YARD, STREET SIDE REQUIRED  
(for review of fences only).

That area on a zoning lot between the street side lot line, the line established by the front yard requirement of each zoning district or Section 6-4-1-9 (A) 3. or (A) 5., the line established by the rear yard requirement of each zoning district, and the line established by the side yard abutting a street requirement of each zoning district (See Figure 6-18-3, ZONING LOT COMPONENTS).

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: April 5, 1999

Adopted: April 20, 1999

Approved: April 23, 1999  
Al Newman  
Mayor pro tem

ATTEST:

Mary J. Morris  
City Clerk

Approved as to form:  
[Signature]  
Corporation Counsel

**APPENDIX 6 SUMMARY OF FENCE STANDARDS AS CONTAINED IN SECTION 6-4-6-7 OF THE CITY OF EVANSTON ZONING ORDINANCE**

Fence Regulation (according to Land Use and Zoning District)		Residential or Mixed Use(s)										Nonresidential Use(s)										Any Use			
		any R's	any B's	any C's	any D's	any T's	any U's	R P	O 1	M U	M U E	any R's	any B's	any C's	any D's	any T's	any U's	R P	O 1	M U	M U E	I1	I2	I3	
Permitted Materials	Wood	Yes.																							
	Wood-polymer Lumber	Yes, provided said material consists of at least 50% post-consumer and/or post-industrial wood fiber.																							
	Wrought Iron	Yes.																							
	Masonry or Stucco Wall	Yes.																							
	Chain Link	Yes, except not permitted within area between street lot line and 3' behind any street-facing facade of the principal building unless property is along Type 1 Street and chain link is specifically listed as a permitted material along said Type 1 Street.																			Yes, provided fence is within required interior side yard or required rear yard.				
	PVC	Yes, provided post or horizontal components do not have circular cross section and have wall thickness of at least 0.120 inches; and all material is solid-wall extruded, is recyclable at end of useful life, and meets Standard Specification F964-94 of 1996 Annual Book of ASTM Standards.																							
	Barb Wire	No.																			Yes, provided fence is within required interior side yard or required rear yard; is above 6'; and conforms with § 7-5-2.				
	Unfinished Concrete or Cinder Block Wall	Yes.																							
Permitted Location (Required Yard)	Front	No, unless property is along Type 1 Street; and wood, wood-polymer lumber, wrought iron, or PVC fence is at least 30% open.																			Yes.				
	Street Side																								
	Interior Side	Yes, provided fence is setback from any front-facing facade of principal building by 3'.																							
	Rear	Yes.																							
	Bldg Envelope	Yes, provided fence is setback from any front-facing facade of principal building by 3'.																							
Permitted Height	Typical	6', except no greater than 4' when legally located between front lot line and 3' behind any front-facing facade of principal building unless located as hereafter described where 8' is permitted; no greater than 8' when within required interior side or required rear yard and said yard or adjacent alley is boundary between residential and nonresidential use.																			8'.				
	Temporary	8', provided applicant conforms with § 6-4-8-4.																							
	Open Mesh for Park, Recreation, School	No restrictions.																							