

25-O-01

**AN ORDINANCE**

**Enacting Title 4, Chapter 19 to  
Provide For Designation of Type 1 Streets**

WHEREAS, the Plan Commission held a public hearing on October 8, 1997 pursuant to proper notice in Case No. ZPC 97-4-T (R) to consider certain amendments to the fence regulations set forth in the Zoning Ordinance; and

WHEREAS, the Plan Commission, with the assistance of its Zoning Committee, undertook a thorough study of the material, height, and location of fences in the City of Evanston; and

WHEREAS, the Plan Commission found that generally fences should not be permitted within front yards; and

WHEREAS, the Plan Commission found that certain circumstances within neighborhoods, including, but not limited to, increased traffic and exceptionally short distances between the front of houses and front lot lines, may warrant the permitting of front yard fences; and

WHEREAS, the Plan Commission found that the City should recognize such circumstances within neighborhoods and permit front yard fences, pursuant to an ordinance providing a process for designation of streets on which fences are permitted within front yards; and

WHEREAS, the Plan Commission made a record of its proceedings, including written findings, and recommended that the City Council enact an ordinance providing for

designation of certain streets or portions thereof upon which front yard fences are permitted; and

WHEREAS, the Planning and Development Committee considered and adopted the Plan Commission's record and recommendation at its meetings on December 15, 1997, February 9, 1998, July 13, 1998, July 27, 1998, August 17, 1998, September 14, 1998, September 28, 1998, March 3, 1999, March 22, 1999, April 5, 1999, April 20, 1999, and February 26, 2001, and recommended City Council approval thereof,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, ILLINOIS, as follows:

**SECTION 1:** The City-Council hereby finds as fact the above recitations and incorporates them herein.

**SECTION 2:** The City Council hereby accepts the findings and recommendation of the Plan Commission in Case No. ZPC 97-4-T(R), and the recommendation of the Planning and Development Committee, and amends the Evanston City Code of 1979, as amended, by enacting a new Title 4 Chapter 19, "Designating Type 1 Streets", to read as follows:

4-19-1      **PURPOSE:** The purpose of this Chapter is to establish an expeditious process whereby an applicant may petition the City Council to designate a street or portion thereof as one along which front yard fences are permitted. In general, front yard fences are prohibited (see Section 6-4-6-7 of the Zoning Ordinance). However, circumstances, including but not limited to increased traffic and exceptionally short distances between the front of houses and front lot lines, may warrant permitting front yard fences.

4-19-2 **DEFINITION:** A "Type 1 Street" is a street or portion thereof for which the City Council has found that certain types of fences are permitted in the required front and required street side yards of the residentially zoned properties abutting both sides of said street or portion thereof. A Type 1 Street must have two end points; examples of end points include, but are not limited to, the centerline of an intersecting street, a public park, a cemetery, a railroad right of way, bulkhead lines or shorelines of waterways, or municipal boundary lines.

4-19-3 **PROCEDURE:** The following establishes the procedure for designation of a Type 1 Street:

1. An applicant shall submit an application to the Zoning Division requesting designation of a street or segment thereof as a Type 1 Street. The application shall contain:
  - a. The names and addresses of all owners of property along both sides of the street or portion thereof.
  - b. A petition containing the signatures, printed names, and printed addresses of 2/3<sup>rds</sup> of the owners of property along the street or portion thereof. Each page of the petition shall, at a minimum, contain the following Petition Statement, "Petition Statement: Signing this petition indicates your support for permitting fences within the front yards and street side yards along \_\_\_\_\_ (street name) from \_\_\_\_\_ (end point) to \_\_\_\_\_ (end point). Such fences shall be no higher than 4 feet; shall be constructed of wood, wood-polymer lumber, wrought iron, masonry, stucco, chain link, or PVC, each in accordance with the provisions of Section 6-4-6-7 (F) 1 of the Zoning Ordinance; and shall have an opacity that does not exceed 70 percent." The applicant may, but is not required to, request that the permitted fences be limited to a height less than 4 feet, to a specific fence material(s) among those listed, and to an opacity of less than 70 percent. Persons may seek relief from the height, material, and opacity standards contained within

a Petition Statement through the fence variation process (Section 6-3-8-6 of the Zoning Ordinance).

2. After determining that the application is complete, the Zoning Division shall forward the application to the Planning and Development Committee of the City Council for consideration.
3. The Zoning Division shall mail notice to those persons indicated on the names and addresses list submitted by the applicant. The notice shall include the date, place, and time that the Planning and Development Committee of the City Council will consider the application.
4. In considering an application for a Type 1 Street designation, the Planning and Development Committee of the City Council may, among other factors, consider the following general standards:
  - a. the amount of traffic along the street or portion thereof, and
  - b. the distance between the front of houses and front lot lines along the street or portion thereof.
5. The Planning and Development Committee of the City Council shall forward its recommendation regarding the application for a Type 1 Street designation to the City Council.
6. Should the City Council grant the application for a Type 1 Street designation, it shall do so by an ordinance amending Section 4-19-5 of this Ordinance. All amendments to this Ordinance require a vote of a majority of the City Council.

4-19-4

**FENCES PERMITTED:** In accordance with the provisions of Section 6-4-6-7 of the Zoning Ordinance, fences shall be permitted within the required front and required street side yards only along Type 1 Streets. Notwithstanding a Type 1 Street designation, no fence shall be permitted within the required front and required street side yard of a nonresidentially zoned property.

4-19-5 **TYPE 1 STREETS:** The following streets or segments thereof are classified as Type 1 Streets. Limitations to fence height, material, and opacity are indicated in parenthesis.

- a. Asbury Avenue, from Green Bay Road to Davis Street (chain link not permitted);
- b. Emerson Street, from Green Bay Road to McCormick Boulevard (chain link not permitted);
- c. Dempster Street, from Oak Street to McCormick boulevard (chain link not permitted); and
- d. Elgin Road from McDaniel Avenue to Lincolnwood Drive (chain link not permitted).

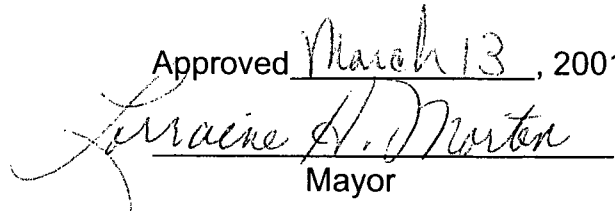
4-19-6 **CITY COUNCIL REVIEW:** This Ordinance shall terminate and be of no effect 365 days after its passage, approval, and publication in the manner provided by law, unless extended for an additional one-year period or modified prior to then by the Planning and Development Committee of the City Council with the concurrence of the City Council.

**SECTION 3:** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 4:** That this Ordinance shall be in force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 26, 2001

Adopted: March 12, 2001

Approved March 13, 2001  
  
Mayor

ATTEST:

Mary P. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel