

22-O-15

AN ORDINANCE

**Amending the Text of the Zoning Ordinance
Regarding Fence Regulations**

WHEREAS, on February 11, 2015, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 15PLND-0009 to consider an amendment to the text of Title 6 of the Evanston City Code of 2012, as amended (the "Zoning Ordinance"), relating to the zoning regulations applicable to fences and the creation of zoning regulations applicable to invisible pet fences; and

WHEREAS, the Plan Commission received testimony and made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the proposed amendments met the standards for text amendments, and recommended City Council approval thereof; and

WHEREAS, at its meeting of March 23, 2015, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 15PLND-0009 and recommended City Council approval thereof; and

WHEREAS, at its meetings of March 23, 2015 and April 13, 2015, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

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

SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: Section 6-4-6-7-(E) of the Zoning Ordinance is hereby amended to read as follows:

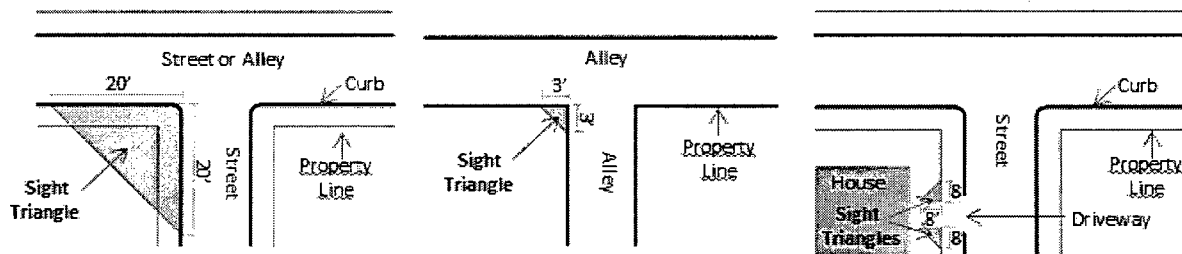
- (E) Sight Distance Required: Any person erecting, constructing, installing, or replacing a fence shall ensure that adequate sight distance is provided at the intersection of two (2) streets, two (2) alleys, or a street and an alley, or a property line and a driveway that leads to a street. Sight Distance is required as stated in Table (E)-1:

Table (E)-1

Intersection	Sight Triangle Size	Measured From	Maximum Height within Sight Triangle	Maximum Opacity within Sight Triangle
2 Streets	20' x 20'	Edge of curbs	2.5'	Any
2 Alleys	3' x 3'	Edge of property lines	2.5'	Any
Street & Alley	20' x 20'	Edge of curb (street) & property line (alley)	2.5'	Any
Property Line & Driveway (that leads to a street)	8' x 8'	Edge of driveway & property line	4'	70%

Figure 6-4-6-7-(E)

Measuring Sight Distance Requirements for Fences at Intersections & Driveways



SECTION 3: Section 6-4-6-7-(F)2, of the Zoning Ordinance is hereby amended to read as follows:

2. Permitted Fence Location: The permitted locations for fences accessory to the uses listed in this Subsection (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 seventy percent (70%);
 - (b) Required street side yard, provided:
 - (1) A two (2) foot setback from the property line is maintained;
 - (2) The required setback is landscaped with foundation plantings; and
 - (3) Any fence located in the required street side yard shall be set back from any front-facing façade of the principal building by three (3) feet, unless said fence is connected to a portion of fence permissibly located within the required front yard.
 - (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 three (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 three (3) feet, unless said fence is connected to a portion of fence permissibly located within the required front yard or required street side yard.

SECTION 4: Section 6-4-6-7-(F)3, of the Zoning Ordinance is hereby amended to read as follows:

3. Permitted Fence Height: Fences accessory to the uses listed in this Subsection (F) shall not exceed six (6) feet in height, except:

- (a) Fences shall not exceed four (4) feet in height when located within the area between a front lot line and three (3) feet behind any front-facing facade of the principal building;
- (b) Fences shall not exceed eight (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 eight (8) feet in height, provided the applicant conforms with Section 6-4-8-4 of this Chapter; and
- (d) Open mesh type fences accessory to parks, recreational areas, and school sites shall have no height restrictions.

SECTION 5: Section 6-4-6-7-(H), of the Zoning Ordinance is hereby amended to read as follows:

- (H) **Permitting Fences Within Required Front Yards:** The City Council may designate residentially zoned properties along certain streets or portions thereof as appropriate locations for fences within the required front yards. These certain streets or portions thereof are designated "type 1 streets." Title 4, Chapter 19 of this code (designating type 1 streets) 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.

SECTION 6: Section 6-4-6-7, of the Zoning Ordinance is hereby amended to add subsection 6-4-6-7(J) as follows:

- (J) **Invisible Pet Fences:** An invisible pet fence shall be permitted provided the following:
 - 1. All invisible pet fences shall be set back a minimum of six feet from any property line abutting any public right-of-way or street line.
 - 2. Any invisible pet fence may be located on or adjacent to any rear lot line not abutting a public alleyway, or any side lot line not abutting a street line, without any required setback.

SECTION 7: Section 6-18-3, of the Zoning Ordinance is hereby amended to include the following definition:

INVISIBLE PET FENCE	An electronic system designed to keep a pet or other domestic animal within a set of predefined boundaries without the use of a visible barrier.
---------------------	--

SECTION 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 10: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.


SECTION 11: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: March 23, 2015

Approved:

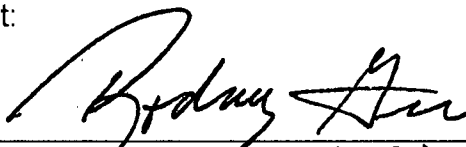
Adopted: April 13, 2015

April 15, 2015


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk (HB)


W. Grant Farrar, Corporation Counsel