

ORDINANCE AMENDING APPENDIX C OF THE CODE OF THE CITY OF PEORIA RELATING TO FRONT YARD FENCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

Section 1: Appendix C of the Peoria City Code, being Ordinance No. 16,121 as adopted on June 12, 2007 and thereafter amended, is hereby amended by deleting the following stricken words and adding the following underlined words:

5.4.8 Fences

A. Purpose Statement

This section is intended to provide for fences in an attractive, safe and functional manner. All fences are permitted subject to the conditions as set forth below.

B. General Provisions

1. A fence may be located on a lot line, but no such fence shall protrude in full or part on adjacent property or right-of-way.
2. Fence height shall be measured from an established grade to the top most section of the fence. Where the grade forms a contour, the fence shall be required to maintain the same contour.
3. All portions of any fence must be constructed of the same or harmonious material. All vertical and/or horizontal supports and cross members must face the interior of the lot.
4. Fences shall be maintained by the property owner according to all other codes of the City.
5. Fences on corner lots must observe the sight triangle requirement as set forth 8.2, Landscaping and Screening.
6. No chain link (including vinyl coated or slatted), wire or electric fences are permitted in front yards.

C. Administrative Approval Process

This process has been developed to permit fences in locations normally requiring action by the Zoning Board of Appeals to be approved by the Zoning Administrator when such fences meet established conditions as set forth in paragraph D below.

1. Initiation and application

Any person owning or having an interest in the subject property may file an application for a fence permit. Such application shall be submitted to the Zoning Administrator with proof that the fence complies with the requirements set forth for the permit.

2. Procedure

Upon receiving such application, the Zoning Administrator shall ~~give notice to property owners within 200 linear feet on the same street or affected streets of the request for a fence permit. The Zoning Administrator shall wait ten working days before a final determination is made. When making the final determination, the Zoning Administrator shall~~ review the application and determine its conformity with the standards below. If the standards are met, a permit can be granted by the Zoning Administrator. ~~A final decision will be made within 30 days of receipt of a complete application for a front yard fence permit.~~

3. Standards

When determining if a front yard fence will be allowed, the Zoning Administrator shall consider the following:

- a. The fence may be solid if it does not exceed ~~four~~ three feet in height; and,
- b. The fence may be up to four feet in height if ~~shall be~~ at least ~~forty 40~~ fifty (50)% open in design; and,
- c. Materials must be decorative, and may include: wood, masonry, wrought iron (or equivalent look), and vinyl. Materials not permitted include chain link (including vinyl coated or slatted), wire, and electric.
- ~~c. The input of surrounding property owners and residents; and,~~
- ~~d. The proposed fence, considering its placement, height and construction, is compatible with the surrounding neighborhood and will not diminish neighboring properties of their full use and enjoyment; and,~~
- ~~e. The proposed fence will not impair safety, welfare, light, air, nor substantially diminish or impair property values within the neighborhood, nor impair natural drainage or create drainage problems on adjacent properties; and,~~
- ~~f. The proposed fence shall not alter the established character of the neighborhood.~~

4. Appeals

The final decision made by the Zoning Administrator may be appealed to the Zoning Board of Appeals providing that timely notice of the appeal is filed by an interested party within ten days after the Zoning Administrator's decision.

5. Waivers

A two foot height waiver may be granted by the Zoning Administrator. The Zoning Administrator shall follow the administrative approval process, however, does not have to consider paragraphs 3.a or 3.b above.

D. Fences Requirements

1. Residential Districts

A fence may be erected or constructed in a residential district subsequent to compliance with all City ordinances as well as the following criteria:

a. Interior Lots

1) Front Yards

Front yard fences shall not be allowed without first receiving administrative approval.

2) Side Yards

Fences located between two principal structures on adjoining lots shall not exceed four feet in height when there is less than ten feet between the fence and both principal structures. Fences observing the above ten foot requirement shall not exceed six feet in height. There is no openness requirement. However, in no instance shall any fence be erected between two principal structures unless there is at least three feet between the fence and any principal structure.

3) Rear Yards

All fences shall not exceed six feet in height. There is no openness requirement.

4) Exceptions

Notwithstanding the above height restrictions, masonry pillars, including decorations and appurtenances, in conjunction with ornamental iron fences, cannot be more than 25% higher than the attached fence and not be wider than 24 inches.

b. Corner Lots

1) Corner Side Yards

Fences located in a corner side yard shall be set back a minimum of ten feet from the property line abutting a street and shall not exceed six feet in height. The above described setback shall be five (5) feet when located along thoroughfares, specifically those designated in the City of Peoria Street Plan and Thoroughfare Map as Freeway, Expressway, and Principle Arterial. However, a A fence may be placed closer to the street as long as the administrative approval process is followed for a front yard fence.

2) Front Yards

Front yard fences shall not be allowed without first receiving administrative approval.

3) Interior Side Yards

Fences located between two principal structures on adjoining lots shall not exceed four feet in height when there is less than ten feet between the fence and both principal structures. Fences observing more than the ten foot requirement shall not exceed six feet in height. There is no openness requirement.

4) Rear Yards

All fences shall not exceed six feet in height. There is no openness requirement.

c. Through Lots

Fences on through lots shall comply with the foregoing regulations; however, if all principal structures in the same block, face the same street or direction, and there is no vehicular access to the street in which the principal structure does not face, a fence may be constructed as per the rear yard regulation for interior lots. In cases where all principal structures do not face the same way on the through lots in a given block, or if there is vehicular access to both streets, the administrative approval process must be followed for fences in the front and/or rear yard.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS

_____ DAY OF _____, 2011

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel