

ORDINANCE NO. 1983-Z-3

AN ORDINANCE AMENDING TITLE 17, "ZONING",  
OF THE ST. CHARLES MUNICIPAL CODE  
REGARDING FENCES

DATE OF PUBLICATION 7/27/83  
NEWSPAPER CHRONICLE

REFER TO:  
MINUTES 6-6-83  
PAGE \_\_\_\_\_

WHEREAS, a Petition has been filed for amending Title 17, "Zoning", Chapters 17.02 and 17.04, of the St. Charles Municipal Code regarding fences; and

WHEREAS, the Plan Commission of the City of St. Charles has held a public hearing on said Petition in accordance with law; and

WHEREAS, the City Council of the City of St. Charles has received the recommendation of the Plan Commission and considered same:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. That Section 17.02.120, "Yards-Permitted Obstructions", paragraph A, be deleted and the following substituted therefor:

In any yard: chimneys, overhanging roof eaves, bay windows, open terraces, marquees and awnings adjoining the principal building if they do not exceed ten percent (10%) of the depth of the yard, and ornamental light standards and flag-poles, trees, and shrubs; except on corner lots: fences, trees and shrubs shall be no higher than thirty inches (30") above the centerline grade of the intersecting streets if located in the portion of a required front yard or side yard situated within a triangle with the two sides paralleling the abutting streets being no more than twenty feet (20') each from the corner of the lot formed by the intersection of the two (2) street rights-of-way abutting the lot.

2. That Section 17.04.197 be added as follows:

17.04.197 Fence

A structure used as a boundary, a screen, a means of containing persons or animals, a means of protection or for landscaping aesthetics and which is constructed of wood or metal parts and wood or metal fencing materials or of other similar

materials.

3. That Section 17.02.160 be added as follows:

No fence shall be constructed or replaced prior to obtaining a building permit. Application for a building permit shall include a description of the type of fence and total linear feet of fence to be installed and a copy of the plat of survey indicating lot dimensions, all easements and where the fence is to be located on the lot.

A. Fences in Residential Districts:

Except as otherwise provided in this Section, fences in Residential Districts may be erected, placed and maintained in a rear yard or interior side yard to a height not exceeding six feet, four inches (6'4") above the finished grade. A fence which is located in a required front yard shall not exceed thirty inches (30") above the finished grade. On corner lots, fences shall be no higher than thirty inches (30") above the centerline grade of the intersecting streets if located in the portion of a required front yard or side yard situated within a triangle with the two sides paralleling the abutting streets being no more than twenty feet (20') each from the corner of the lot formed by intersection of the two (2) street rights-of-way abutting the lot.

B. Fences in Business Districts:

Except as otherwise provided in this Section, fences in the B-2, B-3 and B-4 Districts may be erected, placed and maintained in the required front yard and corner side yard setbacks to a maximum height of six feet (6') except that on corner lots fences shall be no higher than thirty inches (30") above the centerline grade of the intersecting streets if located in portion of a required front yard or side yard situated within a triangle with the two sides paralleling the abutting streets being no more than twenty feet (20') each from the corner of the lot formed by the intersection of the two street rights-of-way abutting the the lot. In a rear or interior side yard, a fence shall not exceed fifteen feet (15') in height above grade. Fences in the B-1 and B-2-T Districts may be erected in accordance with the regulations contained in this Section for Residential Districts.

C. Fences in Manufacturing Districts:

Except as otherwise provided in this Section, fences in Manufacturing Districts may be erected, placed and

maintained in front yard and corner side yard setbacks to a maximum height of three feet (3'). In a rear or interior side yard, a fence shall not exceed fifteen feet (15') in height above finished grade. Open fences adjoining residentially zoned property shall be screened with berming and/or landscaping.

- D. Fences for Tennis Courts and Swimming Pools:  
Fences for tennis courts shall not exceed twelve feet (12') in height. Fences for tennis courts must be erected no less than five feet (5') from a lot line and the finished side of the fence shall face outward or away from the lot on which the fence is erected. Fences for outdoor swimming pools shall meet the requirements as set forth in the Basic Building Code, 1981 Edition, Article 6, Section 627.9 (adopted pursuant to Section 15.04.010 of the St. Charles Municipal Code).
- E. Fences, Public or Private Utility Facilities and Other Public Uses:  
Fences for security or screening purposes may be installed on the property of any public or private utility facilities in any yard in any Zoning District. Metal fences installed to enclose electrical supply stations having energized electrical equipment shall be a minimum of seven feet (7') in height and shall be effectively grounded. Barbed wire may be installed on the top of the fence in accordance with the Subsection I herein. Fences on public or private school or park properties or on other publicly-owned properties in any Zoning District may be erected to a maximum height of fifteen feet (15') in any yard.
- F. Fences, Detention/Retention Areas:  
Fences shall not be installed in or through a storm water detention or retention pond, nor shall a fence be installed less than ten feet (10') from the opening or less than such greater distance as may be required by generally accepted engineering principles.
- G. Fences, Drainage and Utility Easements (Private Property):  
Fences may be installed in or across a drainage easement on private property provided that the bottom of the fence has a vertical clearance of not less than less than eight inches (8") or such greater clearance as may be required by generally accepted engineering principles. The vertical clearance shall be maintained for the entire length of that portion of the fence that

is installed in or across the drainage easement. In the event a fence shall interfere with City's use of an easement as shall be dictated by generally accepted engineering principles, a fence building permit shall not be granted. In the event City shall by its staff or council determine it necessary to excavate or have access across the easement premises, the owner shall remove the fence at City's direction and in the event of failure thereof, the City may remove the same at owner's expense and City shall not be required to replace the same.

- H. A fence, including all posts, bases and other structural parts, shall be located completely within the boundaries of the lot on which it is located. No fences shall be located closer than twelve inches (12") to a public sidewalk.
- I. It shall be unlawful to construct and/or maintain any fence composed in whole or in part of barbed wire(s) or any similar material in any Residential or B-1, B-2, B-2-T Districts except as provided in this Section for public or private utility facilities and other public uses. Such fences may be erected in any other District provided they are not located in a front yard or side yard adjoining a street. Barbed wire(s) shall be placed no less than seven feet (7') above finished grade and shall extend inward toward the interior lot.
- J. All metal fences shall be at least nine gauge wire or a minimum of .148 inches.
- K. All fences must be erected so that the finished side of the fence faces outward or away from the lot on which the fence is erected.
- L. It shall be the responsibility of the owner and/or occupant of the property where a fence is erected to maintain the fence in good repair at all times. If a fence is found to be in a deteriorated condition and/or in need of repair, the Building and Zoning Commissioner or his authorized agent may order the fence to be repaired, replaced or removed depending upon the condition of the fence. Such order shall be in writing.

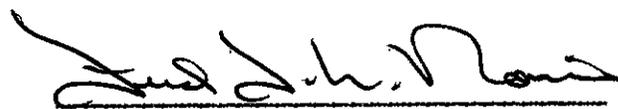
4. That this Ordinance shall be in full force and effect from and after its passage and approval in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Kane

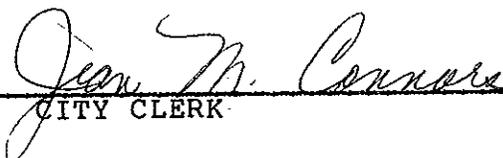
and DuPage Counties, Illinois, this sixth day of June,  
1983.

PASSED by the City Council of the City of St. Charles, Kane  
and DuPage Counties, Illinois, this sixth day of June,  
1983.

APPROVED by the Mayor of the City of St. Charles, Kane  
and DuPage Counties, Illinois, this sixth day of June,  
1983.

  
MAYOR

ATTEST:

  
CITY CLERK

COUNCIL VOTE:  
Ayes: 10  
Nays: 0  
Absent: 0

STATE OF ILLINOIS )  
COUNTIES OF KANE AND DUPAGE ) SS.  
CITY OF ST. CHARLES )

This is to certify that the foregoing is a true and correct copy of Ordinance No. 1983-Z-3 entitled AN ORDINANCE AMENDING TITLE 17, "ZONING", OF THE ST. CHARLES MUNICIPAL CODE REGARDING FENCES

passed by the City Council of the City of St. Charles on the sixth day of June, 1983 A.D., as morefully appears from the records and files of said City in my custody.

Given under my hand and the official seal of said City of St. Charles, this 8<sup>th</sup> day of June, 1983 A.D.

  
Jean M. Connors, City Clerk