



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: August 25, 2023

SUBJECT: Petition of the City of East Peoria to amend Title 5, Chapter 8 of the City Code as it pertains to fences.

BACKGROUND:

The petition is to make some updates to the City's Code regarding fences. One proposal would be to allow wire panel fences in the front yard. As it stands, these types of fences are prohibited by code. However, staff has seen some attractive examples of these fences (see attached pictures) and the change here attempts to make that distinction to allow them under certain conditions. Also, staff has received some calls regarding privacy fences where the posts extend beyond the top of the fence panel. It's unclear if this offers any benefit other than to have the fence installer avoid an additional cut. The proposal here would be to either cut them off below the fence panel (not visible from the exterior) or to finish them with some sort of topper or lighting.

At their meeting, the ZBA voted 7-0 to recommend approval of the proposed code changes.

RECOMMENDATION: Approval, with the recommended conditions from the ZBA.

ORDINANCE NO. 4747

**AN ORDINANCE AMENDING ZONING REGULATIONS IN TITLE 5 OF
THE EAST PEORIA CITY CODE REGARDING FENCING
IN RESIDENTIAL DISTRICTS**

WHEREAS, the City of East Peoria has proposed amendments to certain zoning regulations found at Title 5 of the East Peoria City Code, which proposed amendments are hereinafter set forth; and

WHEREAS, City staff has determined that certain wire fencing when framed with wood can be attractive; and

WHEREAS, City staff have also received complaints regarding fence posts being left unfinished or uncut when installed, making them unattractive; and

WHEREAS, City staff has proposed an amendment to the R-1 residential zoning district (One Family Dwelling District) to allow wood-framed wire fencing, while regulating fence posts in specified situations; and

WHEREAS, after holding a public hearing on August 14, 2023, pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed amendment; and

WHEREAS, the City Council finds that adoption of the proposed amendment to the City's zoning regulations serves the best interests and the public good of the City of East Peoria and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Section 3(e)(5) of Title 5, Chapter 8 is hereby amended to read as follows (additions are indicated by underline; deletions by strikeout):

5-8-3. R-1 One-family dwelling district.

(e) *Yard areas.*

(5) *Permitted structures in required yards.* The following shall not be considered as obstructions when located within or over required yards Service:

- a. Fences or walls shall not be over six (6) feet in height in rear yards and side yards, and not over three (3) feet in height in front yards except that fences of the chain link or wire panel with wood framing type may extend to a height of four (4) feet in front yards. No wire fence, other than wire panels with wood framing, shall be permitted in a front yard and no wall or fence shall be permitted within twenty-five (25) feet of a street intersection. Any fence with posts visible primarily from only one (1) side of the fence shall be erected so the posts face the interior of the property upon which the fence is erected with posts not extending above the height of the fencing such that the top of the posts are not visible from the exterior of the property (unless finished with a topper or ornamental lighting fixture). All fences and walls permitted under this section require a building permit prior to construction.
- b. Front yard fences of not more than six (6) feet in height are permitted on corner lots improved with a building, but only in that front yard which the front of the principal building located on the corner lot does not face, provided that such fence is set back from the street line no less than ten (10) feet or one-half the width of the front yard, whichever is greater.
- c. Overhanging eaves which extend not more than twenty-four (24) inches into the required front, side and rear yard.
- d. An open terrace, but not including a roofed over porch or terrace, may occupy a portion of a front yard, provided the remaining unoccupied portion of the front yard has a depth, when measured from the front lot line, of not less than fifteen (15) feet. All terraces permitted under this section require a building permit prior to construction.
- e. An open terrace, porch or deck, but not including a roofed over porch or terrace, may occupy a portion of a required rear yard, provided that the remaining unoccupied portion of the required rear yard has a depth, when measured from the rear lot line, of not less than ten (10) feet. All terraces, porches or decks permitted under this section require a building permit prior to construction.

Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel



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