

ORDINANCE NO. 075-2020

**An Ordinance Amending Appendix B of the
Municipal Code of Effingham, Illinois**

Amending Article 5 and Article 22 - Fence Regulations

WHEREAS, the City of Effingham, Illinois, exercises zoning authority pursuant to Appendix B of the Municipal Code of Effingham, Illinois, pursuant to 65 ILCS 5/11-13-1; and,

WHEREAS, the City of Effingham, Illinois, is authorized to impose appropriate conditions and safeguards to protect the Comprehensive Plan of the City of Effingham, Illinois, to conserve and protect property and property values pursuant to 65 ILCS 5/11-13-1.1; and,

WHEREAS, the City of Effingham Plan Commission held a public hearing on November 10, 2020 after publication of due notice with regard to a text amendment to Article 5 and Article 22 of Appendix B of the Municipal Code of Effingham, Illinois; and,

WHEREAS, the City of Effingham Plan Commission, after proper public hearing and due consideration, has recommended that the City Council of the City of Effingham, Illinois, amend Article 5 and Article 22 of Appendix B of the Municipal Code of Effingham, Illinois with regard to fence regulations; and,

WHEREAS, the City Council of the City of Effingham, Illinois, after careful investigation and upon recommendation of the City of Effingham Plan Commission believes it necessary to amend Article 5 and Article 22 of Appendix B of the Municipal Code of Effingham, Illinois with regard to fence regulations, as recommended by the City of Effingham Plan Commission; and,

WHEREAS, the City Council of the City of Effingham, Illinois, acting on the advice and recommendation of the City of Effingham Plan Commission, hereby deems it to be in the best interest of the citizens of the City of Effingham, and in order to conserve the health, safety and welfare of the City of Effingham, finds that it is reasonable and necessary to amend said Appendix B of the Municipal Code of the City of Effingham, Illinois, as provided for herein.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF EFFINGHAM, ILLINOIS, THAT:

SECTION I: The City Council of the City of Effingham, Illinois, hereby adopts the findings made in the prefatory portion of this Ordinance.

SECTION II: Paragraph I of Section 5.3 of Article 5 of Appendix B of the Municipal Code of Effingham, Illinois, is hereby deleted in its entirety and replaced with the following:

I. Accessory building or use, including a private garage, storage shed, greenhouse or other aboveground accessory structure, shall not exceed one thousand two hundred (1,200) square feet in area or twenty (20) feet in height. No detached accessory building shall be closer than ten (10) feet to the main building or closer than six (6) feet to a rear lot line or three (3) feet to any side lot line. If the accessory building is attached to the main structure, said accessory building shall maintain the setbacks required of the main structure in the zoning district in which it is located. Accessory buildings shall not be used for the conduct of business or storage of a home occupation or for a commercial use. Accessory structures shall not occupy more than forty (40) percent of the rear yard. Aprons, patios, walks and driveways may occupy part or all of a rear yard.

SECTION III: Paragraph J of Section 5.3 of Article 5 of Appendix B of the Municipal Code of Effingham, Illinois, is hereby deleted in its entirety and replaced with the following:

J. Swimming pools (above or inground) may occupy part or all of a rear yard but shall not be closer than six (6) feet to any lot line. Swimming pool aprons shall be enclosed by a fence with a minimum height of four (4) feet. Razor wire, barb wire, electric, snow fencing, plywood, t-posts or other temporary fence materials are not allowed.

SECTION IV: Section 5.3 of Article 5 of Appendix B of the Municipal Code of Effingham, Illinois, is hereby amended to add the following paragraph:

M. Fences – General Regulations. Any fence constructed prior to November 1, 2020 which does not conform to the following use regulations and has not been granted a Variance by the Zoning Board of Appeals is considered Nonconforming and may not be extended or enlarged. A Nonconforming fence shall not be allowed to remain an encroachment upon street right of way or a sight distance issue. If an existing Nonconforming fence is replaced, the new fence shall conform to these regulations. Razor wire, barb wire, electric, snow fencing, plywood, t-posts or other temporary fence materials are not allowed. Fences shall be constructed to generally accepted construction standards and methods with fence section components attached to vertical supports (posts) to securely maintain a plumb and level position. Fences shall not be constructed on right of way and shall be a minimum of twenty (20) feet from the curb or edge of a roadway (as determined by the Director of Public Works) or a minimum of five (5') feet from a sidewalk, whichever is the greater distance from the roadway. ***For the purposes of this paragraph M, for a fence on a corner lot or a double frontage lot, the front yard is defined as the street frontage with the front or main entrance to the residence with the other street frontage(s) considered a side yard for a corner lot or a rear yard for a double frontage lot.*** All fences shall comply with Article 22-2 (C) of this Appendix B.

(1) Front Yard – In any R District, a fence at a minimum height of three (3) feet to a maximum height of four (4) feet, as measured from the topmost point thereof to the ground or surface along the centerline of the fence is allowed in a front yard as defined herein. A front yard fence shall be an open style, not solid. Fence styles

allowed are chain link (without slats), split rail, picket, post and rail or similar open styles.

- (2) Rear and Side Yards – In any R District, fences within the rear and side yards shall not exceed eight (8) feet in height as measured from the topmost point thereof to the ground or surface along the centerline of the fence and the fence may be an open or solid style.

SECTION V: Paragraph C of Section 22.2 of Article 22 of Appendix B of the Municipal Code of Effingham, Illinois, is hereby deleted in its entirety and replaced with the following:

- C. Except in the B-3 Central Business District, no fence, sign, structure, tree, hedge, landscaping or landscape planting is allowed higher than thirty (30) inches above the established street grades at street intersections, alleys and entrances to maintain Intersection Sight Distance (ISD) per Chapter 28 of the Illinois Department of Transportation (IDOT) Bureau of Local Roads (BLR) Manual or as approved in writing by the City of Effingham Public Works Director,

SECTION VI: The City Clerk is hereby instructed to publish this Ordinance in pamphlet form.

Placed on file this 10th day of November, 2020.


Presented, passed and approved this 17th day of November, 2020.

Published in pamphlet form this 19th day of November, 2020.

Mayor Schutzbach:	<u>Yea</u>
Commissioner Stephens:	<u>Yea</u>
Commissioner Micenheimer:	<u>Yea</u>
Commissioner Gillenwater:	<u>Yea</u>
Commissioner Moeller:	<u>Yea</u>


YEAS: 5
NAYS: 0
ABSENT: 0

CITY OF EFFINGHAM, ILLINOIS



Michael Schutzbach, Mayor

ATTEST:



Abbey Nosbisch, City Clerk