

ORDINANCE 2022-38

AN ORDINANCE AMENDING TITLE 11 (ZONING), SECTION 11-2-2 (DEFINITION OF WORDS AND TERMS), SECTION 11-3-5 (FENCES AND WALLS), AND CHAPTER 15 (ZONING ILLUSTRATIONS), ALL RELATED TO THE REGULATION OF FENCES

WHEREAS, an application was duly filed by the City of Geneva City Council with the Planning and Zoning Commission of the City of Geneva requesting an amendment to Title 11 of the Geneva City Code (hereinafter referred to as the Zoning Ordinance), Section 11-2-2 (Definition of Words and Terms), Section 11-3-5 (Fences and Walls), and Chapter 15 (Zoning Illustrations) all related to the regulation of fences; and

WHEREAS, a Notice of Public Hearing on the application was duly published on August 10, 2022 in the Daily Herald, a newspaper of general circulation in the City of Geneva, in the manner and form as provided for text amendment requests under Title 11 of the Geneva City Code, as amended, and a public hearing was held by the Planning and Zoning Commission on August 25, 2022, at the City Hall Council Chambers at 109 James Street, and at the meeting the Planning and Zoning Commission unanimously recommended approval of amendments to the Zoning Ordinance as presented herein; and

WHEREAS, the City Council concurs with the recommendation of the Planning and Zoning Commission and finds that it is in the best interest of the City to amend the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS THAT THE FOLLOWING SECTIONS OF THE GENEVA CITY CODE BE AMENDED AS FOLLOWS:

SECTION 1: Title 11 of the Geneva City Code (Zoning), Section 11-2-2 (Definitions of Words and Terms) is hereby amended by deleting the terms and definitions for "LOT, THROUGH", "YARD, PERIMETER", "YARD, REAR", and "YARD, SIDE" in their entirety.

SECTION 2: Title 11 of the Geneva City Code (Zoning), Section 11-2-2 (Definitions of Words and Terms) is hereby amended by adding the following terms and definitions, inserted in alphabetical order:

LOT, THROUGH: A zoning lot which has two (2) substantially parallel street lot lines which do not intersect, and which is not a corner lot. The yard designated as the rear yard shall be utilized as such, except that the area of the rear yard that is located between the required setback from the street lot line shall remain clear of obstructions. Fences shall not be considered an obstruction and may be permitted as provided for in Section 11-3-5 (Fences and Walls). (See section 11-15-16 of this title for an illustration of a through lot.)

FENCE, OPEN: A fence, including gates, which has, for each one (1) foot wide segment extending over the entire length and height of the fence, at least thirty percent (30%) of the surface area in open spaces which afford direct views through the fence. (See section 11-15-21 of this title.)

YARD, CORNER STREET: A street yard extending from the rear lot line to a point where the yard meets the front street yard of a principal building. (See section 11-15-3 of this title.)

YARD, FRONT STREET: A street yard extending along the full length of the front lot line between the side or street lot lines to a point where the yard meets the horizontal planes of the foundation of the principal building facing the front lot line. (See section 11-15-3 of this title.)

YARD, PERIMETER: A yard encompassing the perimeter of a zoning lot generally located between lot lines and the foundation lines of principal structures for the purpose of locating landscape improvements required in chapter 10 of this title. (See section 11-15-9 of this title.)

YARD, REAR: A yard extending along the full length of the rear lot line between the side or street lot lines to a point where the yard meets the horizontal planes of the foundation of the principal building that faces the rear lot line. A corner street yard shall supersede a rear yard. (See section 11-15-3 of this title.)

YARD, SIDE: A yard extending along the side lot line between the front street yard and rear yard to a point where the yard meets the horizontal planes of the building that faces the side lot line. (See section 11-15-3 of this title.)

SECTION 3: Title 11 of the Geneva City Code (Zoning), Section 11-3-5 (Fences and Walls), Subsection B (Fence Construction Standards) is hereby amended by adding the following:

10. Residential: Fences located in a street yard shall be constructed as an open fence, as defined in Section 11-2-2 (Definitions of Words and Terms). However, chain link fences shall not be permitted in a street yard. Fences located in the rear yard of a through lot shall not be required to be constructed as an open fence.
11. Through Lots: Fences located in the rear yard of a through lot may be constructed in accordance with the maximum fence height restrictions for a rear yard.

SECTION 4: Title 11 of the Geneva City Code (Zoning), Section 11-3-5 (Fences and Walls), Subsection C (Maximum Fence Heights) is hereby deleted in its entirety and replaced with the following:

C. Maximum Fence Heights: The measured height of the fence may include an opening between the bottom of fence and grade not to exceed six inches (6").

1. Residential Districts:

Front Street Yard	42 inches
Corner Street Yard	4 feet
Side Yard	6 feet
Rear Yard*	6 feet
Visibility triangle	3 feet

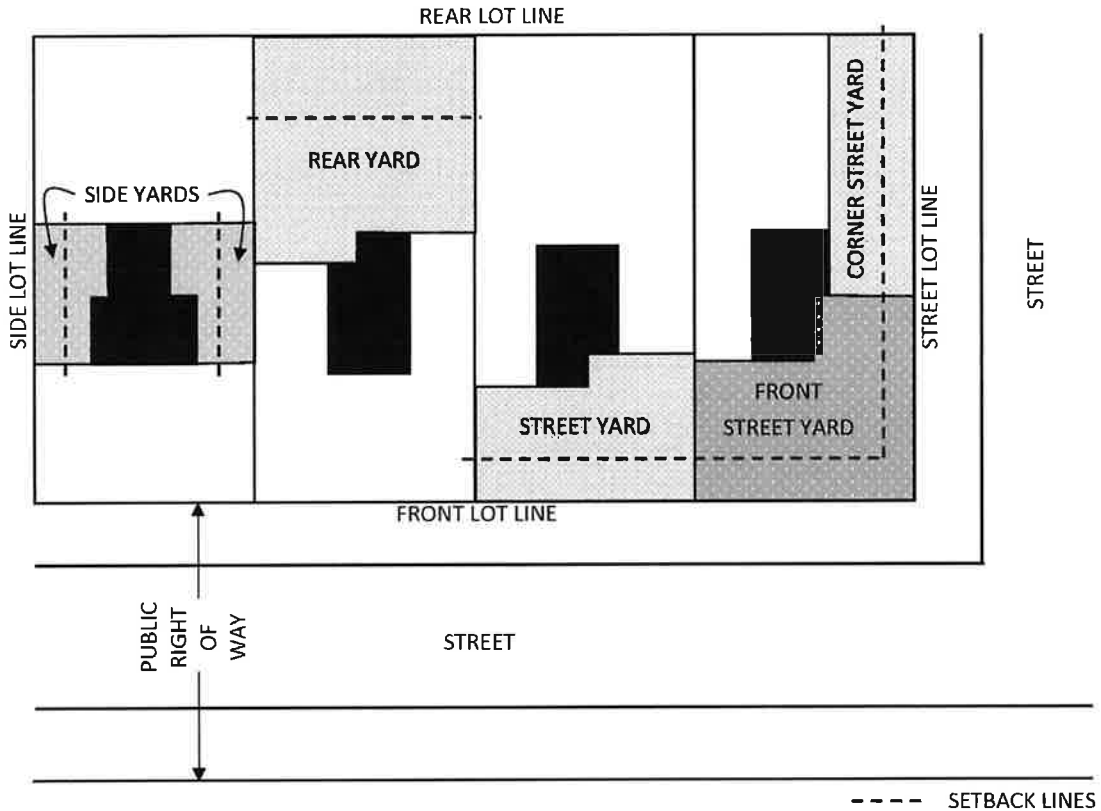
Notes:

*Exceptions: Fences within the rear yard of a through lot which directly abuts a front street yard of a neighboring property shall be restricted to 4 feet within the required street setback. (See section 11-15-20 of this title.)

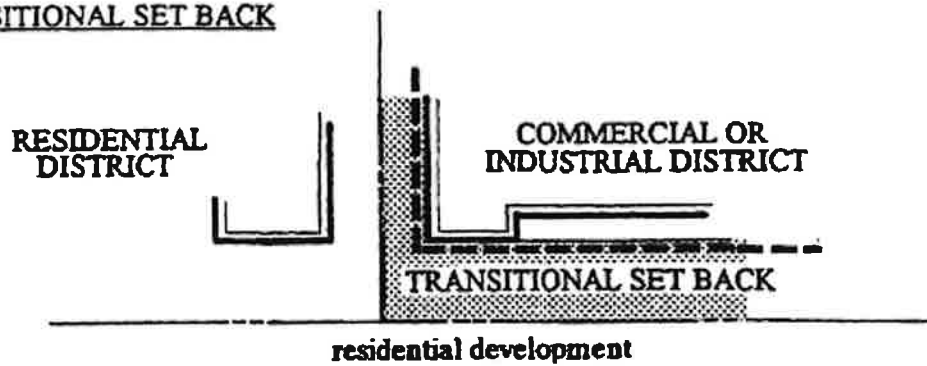
2. Business And Industrial Districts:

Street Yard	8 feet
Side Yard	8 feet
Rear Yard	8 feet
Visibility triangle	3 feet

SECTION 5: Title 11 of the Geneva City Code (Zoning), Chapter 15 (Zoning Illustrations), Section 11-15-3 (Yards and Setbacks) is hereby deleted in its entirety and replaced with the following:

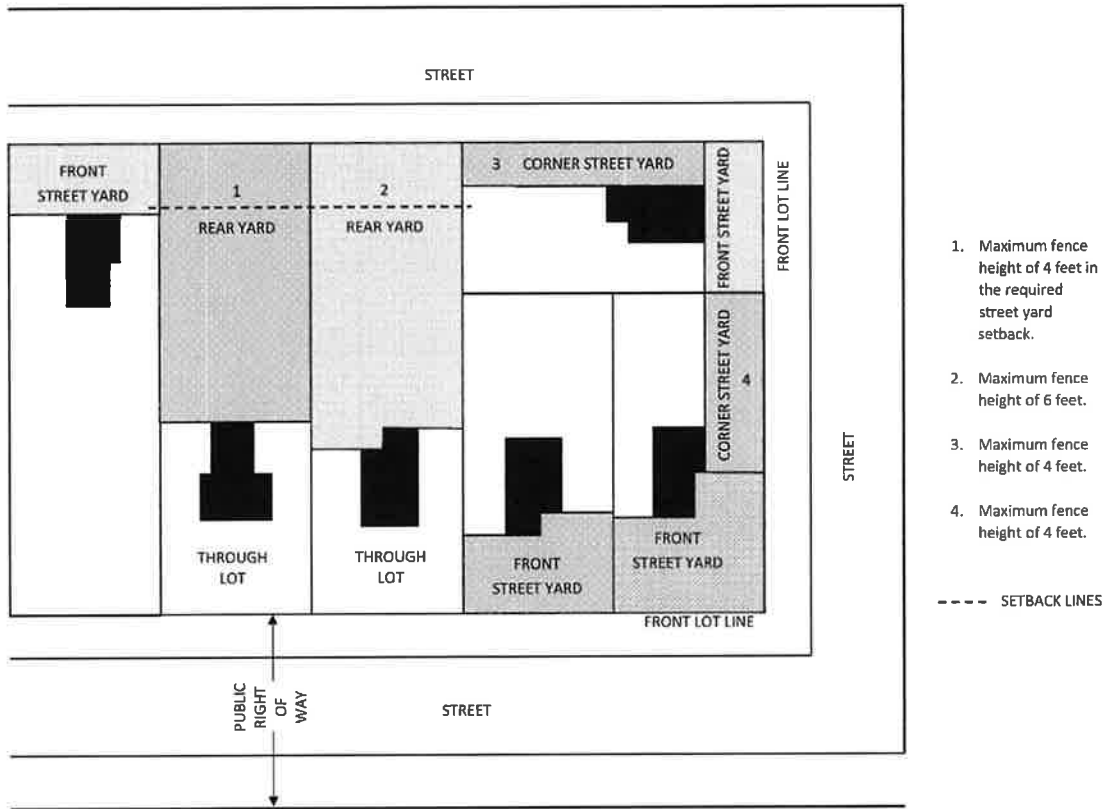


TRANSITIONAL SET BACK

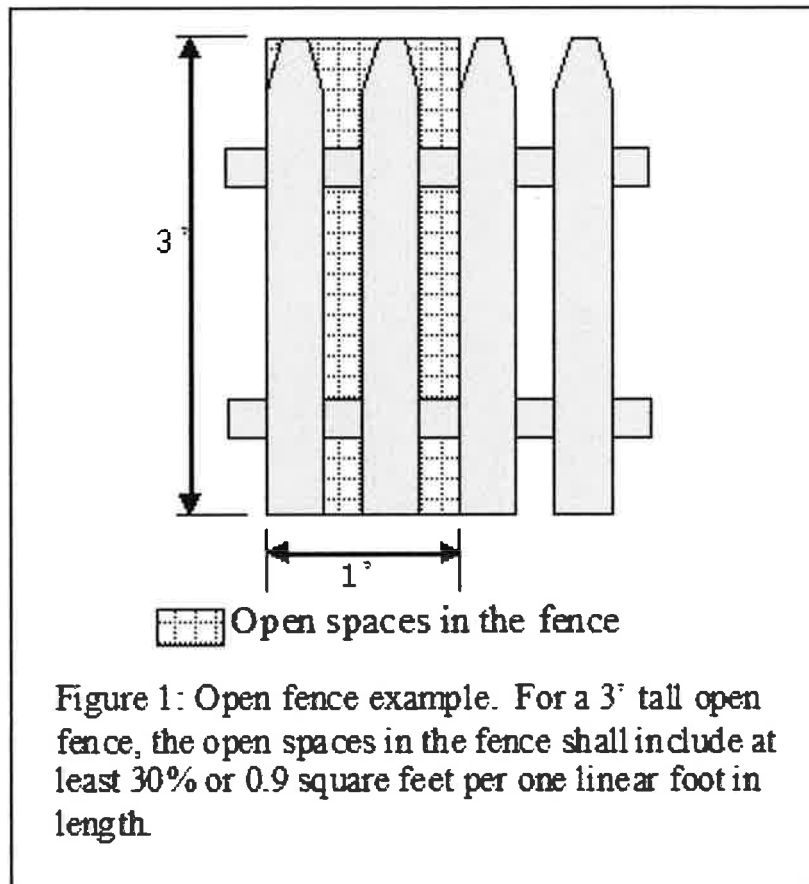


SECTION 6: Title 11 of the Geneva City Code (Zoning), Chapter 15 (Zoning Illustrations), Subsection C (Maximum Fence Heights) is hereby amended by adding the following:

Section 11-15-20: FENCE HEIGHT ABUTTING A FRONT STREET YARD



Section 11-15-21: OPEN FENCE



SECTION 7: This ordinance shall become effective from and after its passage as in accordance with law. Consent is hereby given for publication of this ordinance in pamphlet form.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this 6th day of September 2022.

AYES: 6 NAYS: 3 ABSENT: 1 ABSTAINING: 0 HOLDING OFFICE: 10

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois, this 6th day of September 2022.


Mayor

ATTEST: Whelie Wellode
City Clerk