

ORDINANCE NO. 2010-08-072

**AN ORDINANCE AMENDING CHAPTER 7 OF THE URBANA CITY CODE  
TO MODIFY FENCE HEIGHT AND OPACITY STANDARDS**

**(Omnibus Zoning Ordinance Text Amendment - Plan Case No. 2122-T-10)**

WHEREAS, the City of Urbana, Illinois, is a home-rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, the Urbana City Code has periodically been recodified and republished by the City of Urbana to incorporate the numerous amendments; and

WHEREAS, the Urbana Zoning Administrator proposes to enact an amendment to Chapter 7 of the Urbana City Code in order to improve safety and visibility of fences; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to amend the text of the Urbana City Code as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that Chapter 7 of the Urbana City Code shall be amended as follows:

Section 1. Urbana City Code Chapter 7, "Fences," Section 7-5, is hereby amended as follows:

**Sec. 7-5. Height and opacity limitations.**

(a) No fence within a required front yard, as such required front yard is defined in the zoning ordinance of the city, as amended, may be taller than four (4) feet measured from the ground at a point directly beneath the fence. Fences within a required front yard shall be no more than 50% opaque, allowing for the passage of light directly through the fence, except that on corner lots, fences behind the front face of the principal structure may be up to six (6) feet tall and solid. Where such a required front yard abuts a principal or minor arterial street, as designated by the comprehensive plan of the city, as amended, fences may be constructed as a rear or side yard fence pursuant to subsection (b) of this section. However, any fence constructed within ten feet of the intersection of public right-of-way and a driveway, shall be no more than 50% opaque, as shown in Figure 1.

Any fence existing on March 1, 1989, which is not in compliance with this subsection (a), may continue to lawfully exist, and normal repairs to such fences are permissible where such repairs do not constitute a total fence replacement.

(b) No fence within a required side or rear yard, as such required side or rear yard is defined in the zoning ordinance of the City of Urbana, as amended, may be taller than eight (8) feet measured from the ground at a point directly beneath the fence.

(c) Where the ground at a point directly beneath the fence has been increased in elevation from its original elevation at the time of subdivision development through berming, retaining walls, fill or other measures and where such increased ground elevation has resulted in an increase in ground elevation above an adjoining lot anywhere within a required yard as defined by the Urbana Zoning Ordinance, the height of a fence shall be measured from the original ground elevation before installation of berming, retaining walls, fill or other measures as determined by the building official. The building official shall consult U.S. Geological Survey contour maps, city base map contours and recorded subdivision plat information in making such a determination. The building official's determination of original ground elevation at the time of subdivision development may be appealed to the building safety code board of appeals.

(d) The building official may grant a permit for the construction of a fence exceeding the height limits set forth in this section when:

- (1) Demonstrated as necessary to secure property from trespass; or
- (2) Used to protect adjacent residences and rights-of-way from a demonstrable hazard or nuisance; and
- (3) Approved by the building official, after a review of the documentation indicating the need for security or protection from a demonstrable hazard or nuisance;

Section 2. Figure 7-1, Standards for Circular Drives is hereby added as attached in Attachment A.

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

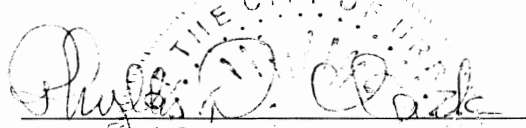
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 16th day of August, 2010.

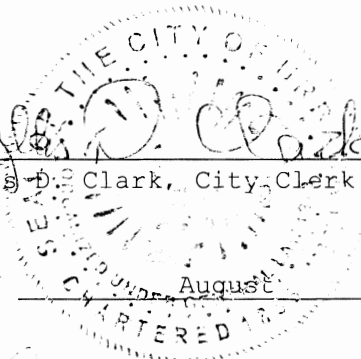
PASSED by the City Council this 16th day of August, 2010.

AYES: Bowersox, Gehrig, Lewis, Marlin, Roberts, Smyth, Stevenson

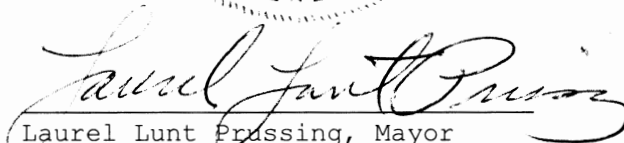
NAYS:

ABSTAINS:

  
Phyllis D. Clark, City Clerk



APPROVED by the Mayor this 20th day of August, 2010.

  
Laurel Lunt Prussing, Mayor



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 16th day of August, 2010, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2010-08-072, entitled:

**“AN ORDINANCE AMENDING CHAPTER 7 OF THE URBANA CITY CODE TO MODIFY FENCE HEIGHT AND OPACITY STANDARDS (OMNIBUS ZONING ORDINANCE TEXT AMENDMENT – PLAN CASE NO. 2122-T-10)”**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2010-08-072 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 26th day of August, 2010, and continuing for at least ten (10) days thereafter. Copies of said Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 26th day of August, 2010.

(SEAL)



*Phyllis D. Clark*