

Ordinance No. 18-04

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING THE EAST DUNDEE BUILDING CODE ORDINANCE TO ALLOW FOR AN OPEN FENCE IN THE FRONT YARD**

**WHEREAS**, the Village of East Dundee, Cook and Kane Counties, Illinois (the "Village") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, pursuant to Chapter 151.006 of the East Dundee Building Code a fence erected beyond the front building line of a house is not allowed; and,

**WHEREAS**, it is duty of the Village Board and Village staff to preserve and protect the character and attractiveness of residential neighborhoods; and,

**WHEREAS**, the Village desires to amend the fence regulations to allow for a fence in the front yard of a property located in a single family residential district as it is in the best interest of residents and the community; and,

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

**Section 1:** The above recitals are incorporated herein and made a part of this Ordinance.

**Section 2:** That Section 151.006(5)(a) of the East Dundee Building Code be and is hereby amended to allow for a front yard fence at a property located in a single family residential district as follows:

(5) Location, design and construction

~~(a) No fence shall be erected which shall extend beyond the front building line of the house. The front building line shall be defined as the lesser of the distance between the front yard street of way and:~~

- ~~1. The closest part of the house structure;~~
- ~~2. The building line setback established by the subdivision plat; or~~
- ~~3. The minimum front yard depth established by Chapter 157 of this code of ordinances.~~

*Front Yard:* Split rail, picket and wrought iron style fences may be installed in a single family residential district front yard as long as the fence maintains a minimum of 50% open space and shall not exceed a height of three feet (3') above the adjoining ground in the required front yard. A side yard adjacent to the public right of way shall be considered a corner side yard and shall be regulated as a front yard with a maximum fence height of three feet (3'). A gate opening shall be required if the front yard fence creates a wholly

enclosed area and adjoins a street right of way to provide access to the right of way. All other front yard fences shall be prohibited.

**Section 3:** That Section 151.006(5)(c) of the East Dundee Building Code be and is hereby amended as follows:

(c) A fence, including all posts, bases and other structural parts shall be located and completely within the boundaries of the lot on which it is located. No fence shall be located closer than 12 inches to a public sidewalk or public right-of-way.

**Section 3:** That Section 151.006(8) of the East Dundee Building Code be and is hereby amended as follows:

(8) Limitations. Except as expressly permitted in Section 151.006(a), no fence shall be erected which shall extend beyond the front building line of the house. All fences must be constructed within the confines of the property for which the permit is sought and no fence shall exceed six feet in height, except as provided herein, which shall control as to the minimum and maximum height. In addition, this section shall not apply to limit the height of solid fences, screens or walls around patios as set forth herein. In addition, the Building Inspector is authorized and empowered to refuse permit for any fence which apparently serves no ornamental or useful purpose and imposes on unreasonable hardships on an adjoining property owner.

**Section 4:** This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

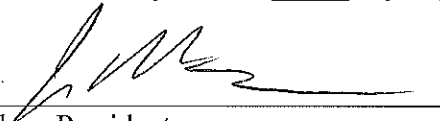
**ADOPTED** this 2<sup>nd</sup> day of April, 2018 pursuant to a roll call vote as follows:

AYES: Trustees Selep, Wood, Hall and Andresen


NAYS: Trustees Lynam and Mahony

ABSENT: Ø

**APPROVED** by me this 2<sup>nd</sup> day of April, 2018

  
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Village President

Attest:

  
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Village Clerk

Published in pamphlet form:

April 3, 2018