

Village of Carol Stream

FENCE CODE

Section

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Cross-reference:

Fees, see § 6-13-10.

§ 6-12-1 PURPOSES OF FENCING.

The purpose of a fence is to provide privacy, security, weather control, aesthetic appearance, boundary definitions, utility (snow fences), and the like for residential, commercial, industrial, public and quasi-public land uses within the corporate area of the Village.

§ 6-12-2 INTERPRETATION.

(A) In the interpretation of this Article, the rules and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise.

(B) All provisions contained herein shall relate only to those areas within the applicant's property lines.

§ 6-12-3 RULES OF CONSTRUCTION.

The language set forth in the text of this Article shall be interpreted in accordance with the following rules of construction:

(A) Words used in the present tense shall include the future.

(B) Words in the singular number include the plural number, and words in the plural number include the singular number.

(C) The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”

(D) The word “shall” is mandatory.

(E) The word “may” is permissive.

(F) The words “yard” or “yards” when used in this Article shall refer to those yard requirements as are set forth in the Village Zoning Code.

§ 6-12-4 DEFINITIONS.

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FENCE, DECORATIVE. That type of fence which is essentially for decorative purposes only, intended to contribute to the attractiveness of the property, and not to act as a means of protection or confinement, or to satisfy any other provision of this Article.

FENCE, DOG RUN. An area enclosed on all sides made of wood or metal for the exclusive use of a dog.

FENCE, MODEL HOME. A fence used by a residential home builder to help control the circulation patterns of prospective home purchasers throughout the model home area.

FENCE, NATURAL. That type of fence which consists of natural growth, such as shrubs, hedges, evergreens, and the like, which are 30 inches or more in height and are spaced less than ten feet apart.

FENCE, PRIVACY. A structural fence constructed to screen a patio or deck which does not extend more than five feet beyond the perimeter of the patio or deck. The area enclosed by the privacy fence shall be included in the maximum lot coverage as regulated in the Zoning Code. An enclosure that permits light and air to pass through more than 50% of its surface such as lattice or railings shall not be considered a privacy fence.

FENCE, SPLIT RAIL. An undressed fence rail split lengthwise from a log and set at either end into an upright post. A split rail fence may be either decorative, in conformance with the requirements of § 6-12-8(D), or structural, in conformance with the requirements of § 6-12-9.

FENCE, STRUCTURAL. A structure which is a barrier and is used as a means of protection or confinement, and which is made of manufactured material, such as, but not limited to, wire mesh, chain link, wood or stone material. This definition shall not include dog runs, natural fence or decorative fence. All types of fences except dog runs, natural fence and decorative fence shall be considered as structural fence.

FIRST FLOOR DECK. A deck or platform that is no higher than six feet above the top of foundation of that section of the wall to which the deck is being attached.

SIGHT TRIANGLE. That portion of a lot within the triangular area formed by two measurements 25 feet in length from the point of intersection of two street right-of-way lines forming a corner lot, or 25 feet in length from the point of intersection of a street right-of-way line and the edge of an intersecting driveway.

§ 6-12-5 PERMIT REQUIRED TO ERECT OR ALTER FENCE.

Unless otherwise provided, no structural fence or dog run shall be erected or altered until a permit has been secured from the Village by the person desiring to erect or alter the structural fence or dog run. No permit shall be required for the erection or alteration of a decorative fence, a natural fence or a model home fence.

§ 6-12-6 PERMIT FEES.

The fee for permits issued for the erection or alteration of structural fences and dog runs shall be as are required in § 6-13-10 of this code.

§ 6-12-7 PLANS, SURVEY AND SPECIFICATIONS.

A copy of the Plat of Survey for the property, the specifications showing work to be done, and the location of proposed fence on the property must be submitted with each application for a building permit.

§ 6-12-8 GENERAL PROVISIONS.

(A) No structural fence shall be allowed on any part of a required or actual front yard or side yard adjoining a street, except as provided in this Article.

(B) All structural, decorative and natural fence, including all posts, bases and other structural parts, shall be located completely within the boundaries of the lot on which the fence is located. No fence shall be located closer than 12 inches to a public sidewalk.

(C) *Model Home Fences.* Model home fences may be located in required front yard or side yards adjoining a street, shall be no more than 36 inches in height, and shall not be located within a sight triangle or in any street rights-of-way. Model home fences shall only be used to help control the circulation patterns of prospective home purchasers throughout the model home area. Conversion of a model home to a residence shall require any existing fences on the property which do not comply with the applicable regulations of this Article to be removed prior to a certificate of occupancy being issued for the residence.

(D) *Natural and decorative fences.* Natural and/or decorative fences may be allowed anywhere in the required front yard and/or side yard adjoining the street, subject to the following provisions:

(1) No natural fence or decorative fence located in a front yard shall be oriented parallel to the street if designed in any manner which causes the fence to extend across more than one-third of any street frontage, unless specifically permitted in this Article.

(2) All natural fences must be wholly within the property lines.

(3) No natural fence located in a front yard or side yard adjoining a street may be located closer than ten feet from the curb or within a sight triangle.

(4) Decorative fence located in a front yard or in a side yard adjoining a street shall be no more than 48 inches in height, shall be at least 50% open space, and shall in no way interfere with vision.

(E) Structural fence material shall consist of one of the following:

(1) Wood, chemically treated or naturally resistant to decay,

(2) Metal, not less than 11-gauge,

(3) Concrete,

(4) Masonry,

(5) Plastic,

(6) Wood composites,

(7) Use of any other materials must be as approved by the Community

Development Director.

(F) Structural fences shall be designed and constructed to resist a horizontal wind pressure of not less than 35 pounds per square foot, per the requirements of the Carol Stream Building Code, in addition to all other forces to which they may be subjected. Fences that are leaning at an angle of 15 degrees or greater when measured from vertical are considered dangerous and shall be unlawful.

(G) Structural fences shall be erected so that the posts and all other supporting members face to the owner's property. The rough part of a fence shall face the owner's property.

This restriction shall not apply in the case of a fence erected on a residential property which abuts a commercial or industrial lot. Chain link fabric shall be installed with the barbed end facing down.

(H) Fire hydrants shall not be blocked by any fence or bushes.

(I) Fences shall not be placed closer than 18 inches from an underground utility access structure or drainage structure, or 18 inches from a telephone, electric, cable television or gas pedestal, or in any manner that would interfere with the maintenance for these utilities. Fences shall not be placed in such a way as to block access to underground utility access structures, or to inhibit the function of storm drainage structures.

(J) The bottom of fences located in a drainage swale or a drainage easement shall be no less than two inches above finished grade.

(K) *Barbed Wire.* The use of barbed wire is prohibited except under the following conditions:

(1) Barbed wire shall be permitted in the I *Industrial* zoning district only.

(2) Barbed wire shall be limited to a maximum height of one foot, and a maximum of three strands of wire. The total height of the fence shall be as specified in §6-12-11, and the barbed wire shall not be included in the determination of fence height.

(3) Barbed wire may be permitted in other districts by variation from the Zoning Board of Appeals as provided in the Village Zoning Code after a public hearing, if the Zoning Board finds that such type of protective barrier is required for the health, safety and welfare of the residents of the Village.

(L) The use of electrically-charged fences is prohibited except for underground “invisible” fences for dogs.

(M) No structural or natural fence located in a front yard or side yard adjoining a street shall be allowed within a sight triangle.

(N) *Height Tolerance.* The fence heights as specified in this Article shall be the minimum or maximum dimension plus or minus three inches. Fence posts and decorative post caps shall not be included in the determination of fence height.

§ 6-12-9 HEIGHT AND LOCATION OF STRUCTURAL FENCES IN RESIDENTIAL ZONES.

(A) The height of a structural fence shall be measured from the average ground level of both sides of the fence.

(B) The height of a structural fence shall not exceed five feet, except as permitted under § 6-12-9(D) and § 6-12-9(E) herein.

(C) *Fences Adjacent to Streets.* A structural fence may be erected within a rear yard and/or a side yard adjoining a street under the following conditions:

(1) A structural fence erected adjacent and parallel to any street, other than an arterial street as designated in the ordinances of the Village, shall have a height not to exceed five feet. The fence shall be located adjacent and parallel to the rear yard lot line, and shall not extend into a side yard adjoining a street except as allowed in § 6-12-9(D)(3) through § 6-12-9(D)(6).

(2) A structural fence erected adjacent and parallel to an arterial street, as designated in the ordinances of the Village, shall have a height not to exceed six feet. The fence shall be located adjacent and parallel to the rear or side yard lot line adjoining the arterial street.

(3) In the case of a corner lot in which the rear lot line of the rear yard abuts the side lot line of the rear yard of an adjacent interior through lot (Figure 1), a structural fence may be erected in the side yard adjoining a street within the area between the rear lot line and the rear of the dwelling unit. If the only rear access door to the house is located facing the side yard adjoining a street, the fence may extend along the side of the house to a point not more than three feet past the access door.

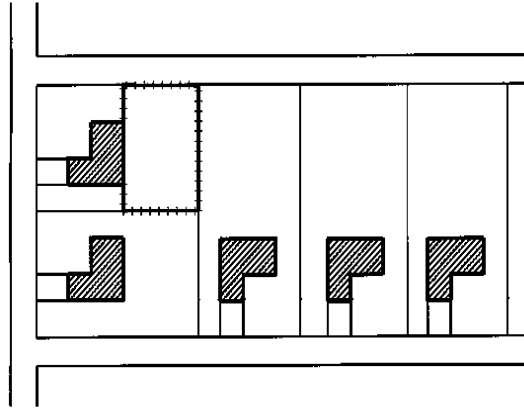


Figure 1

(4) In the case of a corner lot in which the rear lot line of the rear yard abuts the rear lot line of the rear yard of an adjacent corner lot (Figure 2), a structural fence may be erected in the side yard adjoining a street within the area between the rear lot line and the rear of the dwelling unit. If the only rear access door to the house is located facing the side yard adjoining a street, the fence may extend along the side of the house to a point not more than three feet past the access door.

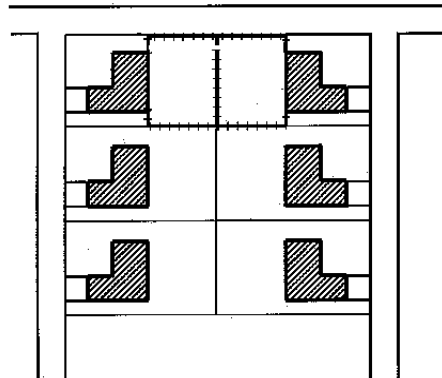


Figure 2

(5) In the case of a corner lot in which the rear lot line of the rear yard abuts a public right-of-way, or a lot line of any lot, public or private, other than a single-family residential lot (Figure 3), a structural fence may be erected in the side yard adjoining a street within the area between the rear property line and the rear of the dwelling unit. If the only rear access door to the house is located facing the side yard adjoining a street, the fence may extend along the side of the house to a point not more than three feet past the access door.

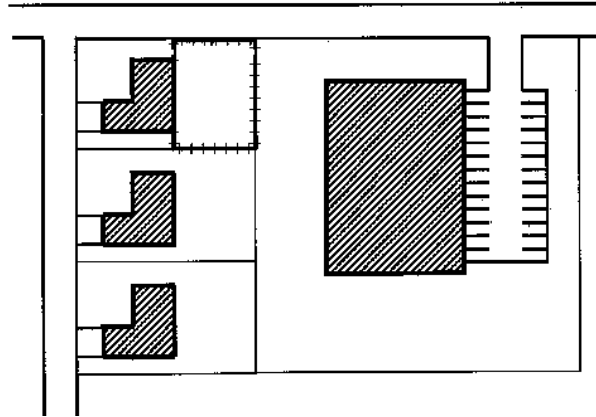


Figure 3

(6) In the case of a corner lot in which the rear lot line of the rear yard abuts the side lot line of the front yard of an adjacent residential interior lot (Figure 4), a structural fence may be erected in the side yard adjoining a street within the area between the rear lot line and the rear of the dwelling unit, provided the fence is placed no nearer to the right of way/property line than the required setback for a side yard adjoining a street for the zoning district or planned unit development, as applicable, in which the lot is located. If the only rear access door to the house is located facing the side yard adjoining a street, the fence may extend along the side of the house to a point not more than three feet past the access door and may encroach no more than five feet into this required setback. The fence setback shall increase back to the required setback at a point no greater than five feet past the rear of the dwelling unit into the rear yard.

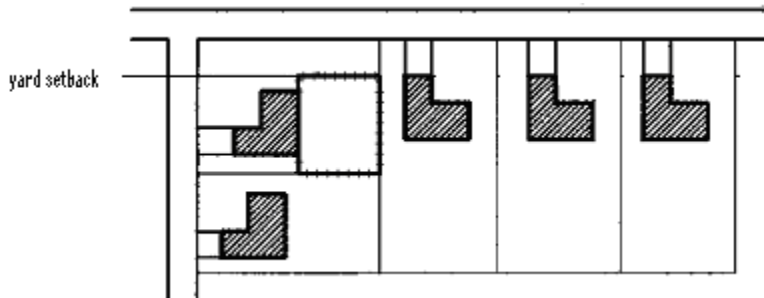


Figure 4

(D) Structural fences higher than five feet in residential districts:

(1) *Privacy fence.* The height of a privacy fence erected adjacent to a patio or deck shall not exceed six feet measured from the top of the patio or deck.

(2) *Residential use adjacent to a business or industrial use.* A structural fence may be erected at a height not to exceed seven feet adjacent and parallel to a rear or side yard lot line of a property in a residential zoning district which separates such property from a property in a business or industrial zoning district, or from a property being used for a nonconforming use which is permitted in only a business or industrial district.

(3) *Residential use adjacent to railroad right-of-way.* A structural fence may be erected at a height not to exceed seven feet adjacent and parallel to a rear or side yard lot line of a property in a residential zoning district along a railroad right-of-way.

(4) *Adjacent to an arterial street.* A structural fence may be erected at a height not to exceed six feet adjacent and parallel to a rear or side yard lot line of a property in a residential zoning district along a street which has been designated as an arterial street in the ordinances of the Village.

(5) *Single-family use adjacent to multiple-family use.* A structural fence may be erected at a height not to exceed six feet along a rear or side yard lot line of a property in a single-family residential district which abuts a multiple-family district property line. Attached single-family units do not constitute a multiple-family use.

(6) *Single-family use adjacent to a utility use.* A structural fence may be erected at a height equal to six feet along a rear or side yard lot line of a property in a single-family residential district which abuts a lot line of a parcel of property improved with a major utility structure and is not used for dwelling purposes.

(7) *Single-family use adjacent to a non-residential use.* A structural fence may be erected at a height not to exceed six feet along a rear or side yard lot line of a property in a single-family residential district which abuts a lot line of a property improved with a habitable building or structure that is not used for dwelling purposes (such as schools, churches, community centers, public buildings, etc.).

(8) *Single-family use adjacent to a public recreational use.* A structural fence may be erected at a height not to exceed six feet along a rear or side yard line of a property in a single-family residential district which abuts a lot line of a property that is not used for dwelling purposes and is improved with, and has a principal use of, a public recreational use such as, but not limited to, a swimming pool, tennis courts, basketball courts, golf course, driving range, or mini-golf facility.

(9) *Single-family use adjacent to public park and/or stormwater management facilities.* A structural fence may be erected at a height not to exceed six feet along a rear or side yard lot line of a property in a single family residential district which abuts a lot line of a property that is not used for dwelling purposes and is specifically dedicated for park uses or stormwater detention/retention use, or a combination thereof. This shall not include land used solely for pathways, sidewalks or other pedestrian or bicycle paths.

(10) *Garbage Container Enclosures.* A structural fence may be erected at a height not to exceed six feet to enclose a garbage container area in a multiple-family residential property.

(E) Enclosures for athletic facilities, public and private:

(1) *Swimming pools.* All swimming pools, hydromassage, spa and hot tubs shall be completely enclosed by a fence surrounding either the rear yard or the immediate pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four feet above the underlying ground or surface surrounding the pool, hydromassage, spa or hot tub. All gates must be self-closing and self-latching with latches placed four feet above the underlying ground or otherwise made inaccessible from the outside to small children. A pool cover or other protective device approved by the Community Development Director, or his or her designee, may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate and latch described herein. Where an aboveground pool is equipped with a self-contained fence around the entire top of the pool area and the top of this fence is four feet or more in height above grade, the intent of this section shall be met. Access to such pool shall be made by a removable, raisable or retractable ladder.

(2) *Tennis courts.* Tennis courts may be totally enclosed with an open-type fence. The height of the fence shall not exceed 12 feet or conform to the requirements of the United States Lawn Tennis Association, whichever is lower.

(3) *Other facilities.* All other fence-type enclosures for athletic facilities shall be approved by the Plan Commission, after a review of a site plan of the proposed improvement and the surrounding area.

§ 6-12-10 HEIGHT OF STRUCTURAL FENCES IN BUSINESS ZONES.

(A) The height of a structural fence shall be measured from the average ground level of both sides of the fence.

(B) The height of a structural fence shall not exceed seven feet.

§ 6-12-11 HEIGHT OF STRUCTURAL FENCES IN INDUSTRIAL ZONES.

(A) The height of a structural fence shall be measured from the average ground level of both sides of the fence.

(B) The height of a structural fence shall not exceed seven feet.

(C) If barbed wire is added to a structural fence, it shall comply with the requirements of §16-12-8(J), and shall not be included in the determination of fence height.

§ 6-12-12 DOG RUNS.

(A) *Maximum area.* There shall be no maximum area for a dog run, except under the following circumstances:

(1) Any dog run with any type of a cover over the top shall be limited to a maximum area of 100 square feet.

(2) A dog run constructed to a height greater than five feet in accordance with § 6-12-12(D) shall be limited to a maximum area of 100 square feet.

(B) Dog runs shall be permitted in a required rear yard only with the approval of the Zoning Board of Appeals through a public hearing. The Zoning Board of Appeals shall review the location with respect to its effect on surrounding residences.

(C) Dog runs shall not be permitted in any side yard or front yard.

(D) The height of a dog run shall be as permitted within the zoning district for structural fence unless it is constructed entirely of chain link, in which case the height of the dog run may be up to eight feet.

(E) Dog runs shall follow the other applicable regulations for fences within the zoning district.

(F) The area within a dog run enclosure may be paved.

(G) A dog run constructed for the purpose of providing a secure enclosure for a dangerous, vicious or ferocious dog shall conform with the requirements of §9-3-11 of the Village Code.

§ 6-12-13 NONCONFORMING FENCES.

All permanent fences which are in existence at the time of passage of this Article or revisions thereto, but which do not conform to one or more applicable provisions of this Article at the time of passage, shall be allowed to remain until such time as said fences are damaged or removed. If repaired or replaced, that portion or portions of the fence shall be made to comply with the requirements of this Article.

§ 6-12-14 VARIATIONS.

(A) The Zoning Board of Appeals may, after a public hearing and with the limitation hereinafter set forth, vary the provisions of this Article in cases in which there are, by reason of an exceptional situation, topography, surroundings or conditions of a specific piece of property, or by reason of exceptional narrowness or shallowness, difficulties or particular hardship in the way of carrying out the strict letter thereof, provided that such variation will not impair an adequate supply of light and air to adjacent property or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Village.

(B) A written petition for a variation under this Article shall be filed in the Community Development Department upon such forms as may be prescribed by the Zoning Board of Appeals. The Community Development Director shall give written notice of the filing of such petition to the owners of all contiguous property and also to the owners of all properties across a street, alley, easement (public or private), of any type, immediately opposite the subject property. Such notice shall show the date of the filing of the petition, a description of the type of fence and the nature of the variation requested. The public hearing may not be held sooner than 15 days from the date of mailing or other delivery of such notice.

§ 6-12-15 GENERAL DUTIES OF COMMUNITY DEVELOPMENT DIRECTOR.

(A) It is made the duty of the Community Development Director to exercise supervision over all fences erected, altered, constructed or maintained, and to cause inspection by inspectors in his or her department of all fences to be made. Whenever it shall appear to the inspector that any such fence or any part thereof has been erected in violation of this Article or of any other ordinance of the Village, or is in an unsafe condition, or has become unstable or insecure, or is in such a condition as to be a menace to the safety or health of the public, he or she shall thereupon issue or cause to be issued a notice in writing to the owner of such fence, or to the person maintaining the same, or to the owner of the property upon which the fence is placed, informing such person, firm or corporation of the violation of this Article and the dangerous condition of such fence, and directing him or her to make such alterations or repairs thereto and to do such acts or things as are necessary or advisable to cause such fence to be brought into a safe, substantial and secure condition, and to make the same comply with the requirements of this Article, within such reasonable time as may be stated in such notice. Any and all fences installed or maintained in violation of this Article, or any of the clauses or provisions of the same, or in violation of any of the laws of the Village of Carol Stream or the State of Illinois are declared to be public nuisance and subject to treatment and abatement as such. Any such fence so erected or maintained contrary to law shall be abated as a common nuisance.

(B) In addition to the declaration that a fence has become a nuisance under the provisions of this Article, any person, firm or corporation who violates any provision of this Article shall, upon conviction thereof, be fined in accordance with the general provisions of the Code of Ordinances relating to fines for violations of the provisions herein.