

From the Evanston City Code: CHAPTER 19 TYPE 1 STREETS

4-19-1: PURPOSE:

The purpose of this chapter is to establish an expeditious process whereby an applicant may petition the city council to designate a street or portion thereof as one along which front yard fences are permitted. In general, front yard fences are prohibited (see section [6-4-6-7](#) of the zoning ordinance). However, circumstances, including, but not limited to, increased traffic and exceptionally short distances between the front of houses and front lot lines, may warrant permitting front yard fences. (Ord. 25-0-01)

4-19-2: DEFINITION:

A "Type 1 Street" is a street or portion thereof for which the city council has found that certain types of fences are permitted in the required front and required street side yards of the residentially zoned properties abutting both sides of said street or portion thereof. A type 1 street must have two (2) end points; examples of end points include, but are not limited to, the center line of an intersecting street, a public park, a cemetery, a railroad right of way, bulkhead lines or shorelines of waterways, or municipal boundary lines. (Ord. 25-0-01)

4-19-3: PROCEDURE:

The following establishes the procedure for designation of a type 1 street:

(A) An applicant shall submit an application to the zoning division requesting designation of a street or segment thereof as a type 1 street. The application shall contain:

1. The names and addresses of all owners of property along both sides of the street or portion thereof.
2. A petition containing the signatures, printed names, and printed addresses of two-thirds (2/3) of the owners of property along the street or portion thereof. Each page of the petition shall, at a minimum, contain the following petition statement: "Petition Statement: Signing this petition indicates your support for permitting fences within the front yards and street side yards along (street name) from (end point) to (end point). Such fences shall be no higher than 4 feet; shall be constructed of wood, wood-polymer lumber, wrought iron, masonry, stucco, chain link, or PVC, each in accordance with the provisions of Section [6-4-6-7\(F\)1](#) of the Zoning Ordinance; and shall have an opacity that does not exceed 70 percent." The applicant may, but is not required to, request that the permitted fences be limited to a height less than four feet (4'), to a specific fence material(s) among those listed, and to an opacity of less than seventy percent (70%). Persons may seek relief from the height, material, and opacity standards contained within a petition statement through the fence variation process (section 6-3-8-6 of the zoning ordinance).

(B) After determining that the application is complete, the zoning division shall forward the application to the planning and development committee of the city council for consideration.

(C) The zoning division shall mail notice to those persons indicated on the names and addresses list submitted by the applicant. The notice shall include the date, place, and time that the planning and development committee of the city council will consider the application.

(D) In considering an application for a type 1 street designation, the planning and development committee of the city council may, among other factors, consider the following general standards:

1. The amount of traffic along the street or portion thereof, and
 2. The distance between the front of houses and front lot lines along the street or portion thereof.
- (E) The planning and development committee of the city council shall forward its recommendation regarding the application for a type 1 street designation to the city council.

(F) Should the city council grant the application for a type 1 street designation, it shall do so by an ordinance amending section 4-19-5 of this chapter. All amendments to this chapter require a vote of a majority of the city council. (Ord. 25-0-01)

4-19-4: FENCES PERMITTED:

In accordance with the provisions of section [6-4-6-7](#) of the zoning ordinance, fences shall be permitted within the required front and required street side yards only along type 1 streets. Notwithstanding a type 1 street designation, no fence shall be permitted within the required front and required street side yard of a nonresidentially zoned property. (Ord. 25-0-01)

4-19-5: TYPE 1 STREETS DESIGNATED:

The following streets or segments thereof are classified as type 1 streets. Limitations to fence height, material, opacity are indicated in parenthesis.

Asbury Avenue, from Green Bay Road to Davis Street (chainlink not permitted);

Dempster Street, from Oak Street to McCormick Boulevard (chainlink not permitted);

Dewey Avenue, from Simpson Street to Twiggs Park (wrought iron only);

Elgin Road, from McDaniel Avenue to Lincolnwood Drive (chainlink not permitted); and

Emerson Street, from Green Bay Road to McCormick Boulevard (chainlink not permitted). (Ord. 25-0-01; amd. Ord. 9-0-02)