

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2024-01

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF
THE MAPLE PARK VILLAGE CODE REGARDING SHEDS
AND POOLS**

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MAPLE PARK
KANE AND DEKALB COUNTIES, ILLINOIS**

Published in pamphlet form by authority of the Board of Trustees of the Village of Maple Park, Kane and DeKalb Counties, Illinois, this 5th day of March, 2024.

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE MAPLE PARK VILLAGE CODE REGARDING SHEDS AND POOLS

WHEREAS, the Village of Maple Park, DeKalb and Kane Counties, Illinois is a duly organized and existing municipality created under the provisions of the laws of the State of Illinois; and,

WHEREAS, the President and Board of Trustees of the Village of Maple Park believe it is in the best interest of the health, safety, and welfare of its citizenry to amend the text of the Zoning Ordinance of the Village of Maple Park along with certain other provisions of the Village Code in order to modify certain language contained therein relating to sheds and pools in the Village; and

WHEREAS, pursuant to the required published notice and notification by the Petitioner as required in Section 11-11-3 of the Zoning Regulations, the Planning & Zoning Commission held a public hearing on January 24, 2024, and

WHEREAS, the Planning and Zoning Commission has tendered its written recommendation through a Finding of Fact and Recommendation to the Board of Trustees and recommends approval of the text amendments as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Maple Park as follows:

SECTION 1. That subparagraph A of Section 11-2-3 of the Maple Park Village Code shall be amended within the table to reflect the deletion of certain language therein (strikeouts signifying deleted language):

Garden/household storage sheds/buildings and buildings/structures customarily incidental to agricultural pursuits provided such sheds/buildings shall have siding of the same style, materials, and color as the residence, unless the facade of the residence is primarily brick, in which case, the shed/building siding shall be the same style, materials, and color as the eaves of the residence:

SECTION 2. That subparagraph B of Section 11-2-3 of the Maple Park Village Code shall be amended as follows (strikeouts representing deletion and additional language added in red):

B. Location. No part of an accessory building shall be located closer than five feet to the side lot line along a required side yard. When a rear yard is required, no part of an accessory building shall be located closer than five feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard, except where there is an accessory building

with doors opening onto an alley such building shall not be located closer than ten feet to the rear lot line. In a residential district, no detached accessory building shall be closer than ~~ten~~ **five** feet to the principal building nor shall it be located closer to the front lot line than the distance the principal building is located to the front lot line and in no instance should it be located within a required front yard setback. No structure is permitted to be located in any required easement.

SECTION 3. That the portion of subsection B of Section 10-1A-1 of the Maple Park Village Code referencing **Section 105.2 of the 2006 Edition of the International Building Code**, relating to work exempt from permit, swimming pools (Paragraph 7) shall be amended as follows:

7. Prefabricated swimming pools accessory to residential districts that are less than 24 inches (610 mm) **48 inches (1220 mm)** deep, and are installed entirely above ground.

SECTION 4. That the portion of subsection B of Section 10-1F-1 of the Maple Park Village Code referencing **Section R105.2 of the 2006 Edition of the International Residential Code for One and Two Family Dwellings** relating to work exempt from permit, swimming pools (Paragraph 5) shall be amended as follows:

5. Prefabricated swimming pools that have a maximum water depth of 24 inches (610 mm) **48 inches (1220 mm)**.

SECTION 5. That Section 11-2-4 shall be amended as follows:

11-2-4: ADDITIONAL REGULATIONS FOR UNIQUE USES:

A. Fences, Walls, And Hedges:

1. Except as provided elsewhere in this title, a fence or wall may be erected, placed or maintained along a lot line on residentially zoned property except that no such fence or wall which is located in a required front yard shall exceed a height of three feet (3').

A corner lot shall be considered to have two (2) front yards; example, the yards that face the public roadway. A fence installed on a corner lot may only be three feet (3') solid board or four feet (4') with fifty percent (50%) open slotting in the front yards.

A six-foot (6') fence is not to exceed past the most exterior wall of the house on either yard.

Where such lot line is adjacent to non-residentially zoned property, there shall be an eight foot (8') limit on the height of a fence or wall along such lot lines, except that no such fence or wall which is located in a required front yard shall exceed a height of three feet (3').

2. No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially owned property, adjacent to residentially owned property, to a height exceeding eight feet (8') except that no such fence or wall which is located in a required front yard shall exceed a height of three feet (3').
3. In any district, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to height exceeding three feet (3') above the street curb nearest thereto, within twenty-five feet (25') of the intersection of any street lines or of street lines projected.
4. Unless a written agreement signed by the adjacent owner of record is filed with the Village Clerk, a fence or wall must be erected, placed, or maintained at least six inches (6") inside the lot line.
5. No fence equipped with or having barbed wire, spikes, or any similar device, or any electrically charged fence sufficient to cause shock, shall be erected, placed, or maintained within six feet (6') of ground level. However, no such fence shall be allowed in residentially zoned districts.
6. Screening for daycare centers and nursery schools: The outdoor play area shall be completely screened from view from adjacent uses by solid wood fencing to a height of six feet (6') or by landscaping six feet (6') high by three feet (3') deep. All State regulations concerning outdoor play areas shall apply.
7. Fence poles and stakes shall be placed on the interior side of the fence so that the more attractive side of the fence faces the exterior of the yard.

B. Pools:

1. Definitions:

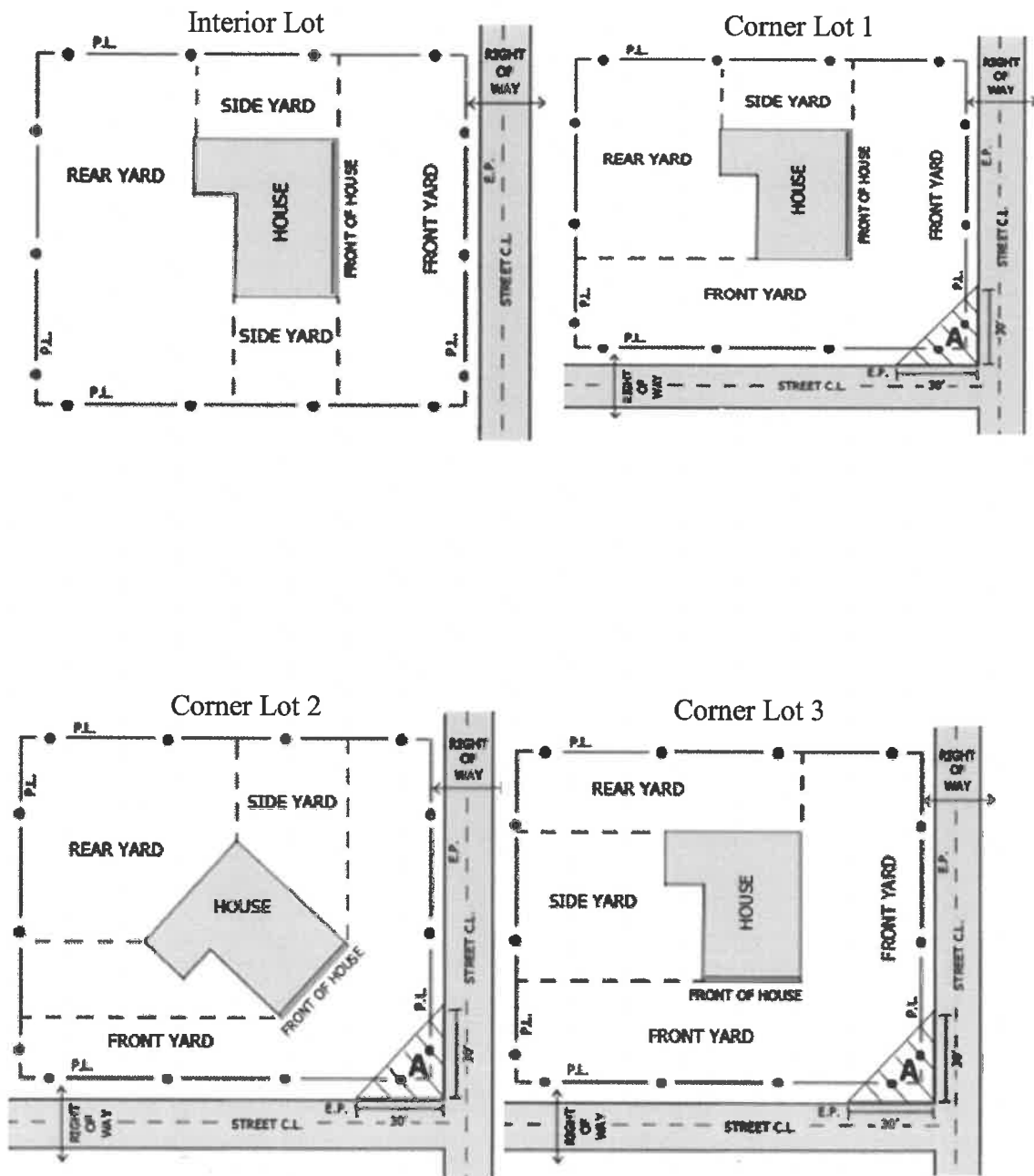
Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches (24") deep.

Spa – an above ground self-contained heated or jetted pool. Also known as Jacuzzi or hot tub.

Barrier – Barriers include a fence or wall, pool mounted systems and or a power safety cover over the pool. Barriers are not childproof but can provide one layer of protection from entry to pool while unattended.

2. Location

Swimming pools or spas, are not allowed in the front or side yard. If you are on a corner lot both street sides are considered front yards, see Interior and Corner Lot diagrams.



- i. Swimming pools shall be located a minimum of 10 feet from the primary structure, measured from the wall of the swimming pool. Spa shall be located a minimum of 5 feet from the primary building.
- ii. Swimming pools and spas shall be located a minimum of 10 feet from any property line, including any decking or platform.
- iii. Swimming pools and spas shall not be located under any overhead utility wires.

- iv. Swimming pools and spas shall be located from septic tank/field or sewer line at least twenty-five feet (25') for an inground pool; at least ten feet (10') for an above ground pool.
- v. Swimming pools and spas may not be installed in any easement.

3. Barrier

- i. Pools that have a depth of 24" or less do not require an enclosure or barrier. Pools of 25" or greater shall comply with all ordinance requirements.
- ii. Above ground swimming pools with the top of the wall less than 48 inches above the surrounding grade must be enclosed with an approved barrier at least 48 inches in height and have a gate as an entry point with a latch that either locks 3 inches below the inside of the top of the gate or latch is over 54 inches above the ground, this is per International Code Council Outdoor Swimming Pool Barrier Requirements.
- iii. Above ground swimming pools, which have walls or a wall mounted barrier system that meet the height requirement, shall have steps or a ladder capable of being secured, locked or removed to prevent access.



- iv. In-ground pools must have a barrier around the pool area that is a minimum of 48 inches.
- v. Spa – may have a locking cover in lieu of a 48" tall barrier
- vi. If the barrier connects to the primary structure
 - a. Above ground ladder capable of being secured, locked or removed to prevent access and secured when not in use.
 - b. In ground pools may either have an additional fixed or movable barrier around the pool and or an audible alarm on the door exiting out to the pool area.

4. Electrical – all pools with electronic pump or filter must be protected by ground fault circuit interrupters, which shall be GFCI receptacle outlets or GFCI circuit breakers.

- i. Swimming Pool or spa – must have underground outdoor electrical outlet.
 - a. All electric shall be in approved conduit and buried underground that meets all electrical code requirements.
 - b. All underground electric shall be inspected prior to burial.
 - c. All receptacles shall have a weatherproof enclosure whether or not the receptacle is being used.
 - d. All swimming pool equipment shall be properly grounded
 - e. Underground wiring shall be a minimum of 5 feet from the swimming pool walls.
 - f. For in-ground swimming pools all metal parts on or in the ground within 5 feet of the swimming pool walls shall be bonded.
 - g. Receptacles, not serving swimming pool equipment, shall be located a minimum of 10 feet from the swimming pool wall.
 - h. All electrical work must be installed per the National Electric Code (NEC) and installed by a qualified provider ~~a licensed electrician~~.

5. Permit

- i. Permit application must include:
 - a. Plat of Survey indicating the location of the pool and barrier, with setbacks marked for each.
 - b. Location of electrical if required.
 - c. Pool permit of any kind does not include the permit for the barrier. If you require a fence (barrier) permit a separate permit application must be completed.

SECTION 6. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

ADOPTED THIS 5th day of March, 2024.


AYES: Simon, Speare, Groezinger, Peloso, and Joy

NAYS: N/A

ABSENT: Ward

APPROVED this 5th day of March, 2024.




Suzanne Fahnestock, Village President

ATTEST:


Caryn Minor, Village Clerk

STATE OF ILLINOIS)
)
) SS
COUNTIES OF DEKALB AND KANE)

Caryn Minor
Caryn Minor, Village Clerk