



Village of Maple Park

302 Willow Street ♦ P.O. Box 220 ♦ Maple Park, Illinois 60151

Village Hall: 815-827-3309

Website: <http://www.villageofmaplepark.org>

**BOARD OF TRUSTEES
COMMITTEE OF THE WHOLE MEETING AGENDA
TUESDAY, NOVEMBER 21, 2023
MAPLE PARK CIVIC CENTER
302 WILLOW STREET, MAPLE PARK
7:00 P.M.**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL/QUORUM ESTABLISHED**
- 4. PUBLIC COMMENTS** – *Any resident wishing to address the Board may do so according to the guidelines set forth in the “Rules for Public Comments at Public Meetings” handout. Please complete a speaker request form and submit it to the Village Clerk. You may also send an e-mail to villageclerk@villageofmaplepark.com in advance of the meeting. The Village Clerk will read such comments during the Public Comment portion of the meeting. Time Limit: 5 minutes per speaker.]*
- 5. DISCUSSION ON POOL ORDINANCE**
- 6. DISCUSSION ON SHED ORDINANCE**
- 7. OTHER BUSINESS**
- 8. ADJOURNMENT**



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MEMORANDUM

TO: Village President and Board of Trustees

FROM: Village Administrator Cheryl Aldridge

DATE: November 16, 2023

SUBJECT: **ORDINANCE REVIEW – Pools - Ordinance 2020-15 - Title 10, “Building and Development Regulations,” and Title 11, “Zoning Regulations”**

BACKGROUND

At the Village Board’s meeting on November 7, 2023, the Village Board directed the staff to bring Pools back to the Committee of the Whole prior to the Planning & Zoning Commission meeting scheduled for Wednesday, January 24, 2024.

The most recent change to pools was made in Ordinance 2020-15. This ordinance made changes to Title 10, “Building and Development Regulations,” and Title 11, “Zoning Regulations,” of the Maple Park Village Code. This ordinance is included for your review.

RECOMMENDATION

Staff recommends that the Village Board review Ordinance 2020-15 and direct staff on further actions on this ordinance.

Attachment

Ordinance 2020-15 An ordinance amending Title 10, “Building and Development Regulations,” and Title 11, “Zoning Regulations,” of the Municipal Code of the Village of Maple Park to address certain regulations regarding swimming pools

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2020-15

**AN ORDINANCE AMENDING TITLE 10, "BUILDING AND DEVELOPMENT
REGULATIONS," AND TITLE 11, "ZONING REGULATIONS," OF THE MUNICIPAL
CODE OF THE VILLAGE OF MAPLE PARK TO ADDRESS CERTAIN
REGULATIONS REGARDING SWIMMING 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 7th day of July, 2020.

ORDINANCE NO. 2020-15

AN ORDINANCE AMENDING TITLE 10, "BUILDING AND DEVELOPMENT REGULATIONS," AND TITLE 11, "ZONING REGULATIONS," OF THE MUNICIPAL CODE OF THE VILLAGE OF MAPLE PARK TO ADDRESS CERTAIN REGULATIONS REGARDING SWIMMING 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, a public hearing was held before the Plan Commission of the Village of Maple Park regarding necessary text amendments to Chapter 11, Zoning Regulations, of the Maple Park Village Code.

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

SECTION 1. That TITLE 10, CHAPTER 1, ARTICLE A, Section 3, Paragraph A, Subsection 1 is hereby amended to provide as follows:

10-1A-3: BUILDING PERMIT AND PLAN REVIEW FEES:

A. Building Permit Fees

1. One-Family, Two-Family, And Multiple Single-Family (Townhouses) Residential Use Groups:

New construction (per unit for two-family and multiple single-family dwellings)	\$635.00 plus \$0.20 per square foot, \$0.198 per square foot over 3,200 square feet
Additions (per unit for two-family and multiple single-family dwellings)	\$0.198 per square foot, minimum \$200.00 fee
Alteration (replacing remodeling)	\$35.00 per required inspection
Temporary to start construction	10 percent of full permit fee, not to be applied to the full permit fee
Moving of existing one- or two-family structure	\$650.00
Inground swimming pools	\$140.00
Detached garage up to 600 square feet with electrical	\$140.00

Detached garage over 600 square feet with electrical	\$175.00
Demolition	\$60.00
Above ground swimming pools	\$140.00
Conditional certificate of occupancy when requested by the builder when circumstances do not warrant	\$95.00 (nonrefundable)

SECTION 2. That TITLE 10, CHAPTER 1, ARTICLE F, Section 10-1A-1.B is hereby amended to delete the provision stricken out below:

Section 105.2 Work Exempt From Permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Oil derricks.
2. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or IIIA liquids.
3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
4. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route and not in the parkway area.
5. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
6. Temporary motion picture, television and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a ~~group R-3 Occupancy~~ residential districts that are less than 24 inches (610 mm) deep and ~~and/or inflatable, temporary swimming pools of any depth, do not exceed 5,000 gallons (18,925 L),~~ and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family dwellings.
10. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of group R-3 and U occupancies.

Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.

Rest of section remains the same.

SECTION 3. That TITLE 10, CHAPTER 1, ARTICLE F, Section 10-1F-1.B is hereby amended to delete the provision stricken out below:

B. Revisions: The following sections of the international residential code for one- and two-family dwellings, 2006 edition, are hereby revised, amended, or added in words and figures as follows:

Section R101.1 Title. These provisions shall be known as the *residential code* of the village of Maple Park, DeKalb and Kane Counties, Illinois, and shall be cited as such and will be referred to hereinafter as "this code."

Section R105.2 Work Exempt From Permit.

Building: Delete numbers 1 and 2, then renumber to read:

1. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
2. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
3. Service sidewalks, patio slabs, and that portion of the driveway on private property.
4. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
5. Prefabricated swimming pools that have a maximum water depth of 24 inches (610 mm). ~~and inflatable, temporary swimming pools of any water depth.~~
6. Swings and other playground equipment.
7. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Rest of section remains the same.

SECTION 4. That TITLE 11, ZONING REGULATIONS, CHAPTER 2, GENERAL PROVISIONS, SECTION 11-2-4 is hereby amended to repeal and replace the same in its entirety as follows:

**TITLE 11 ZONING REGULATIONS
CHAPTER 2, GENERAL PROVISIONS**

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

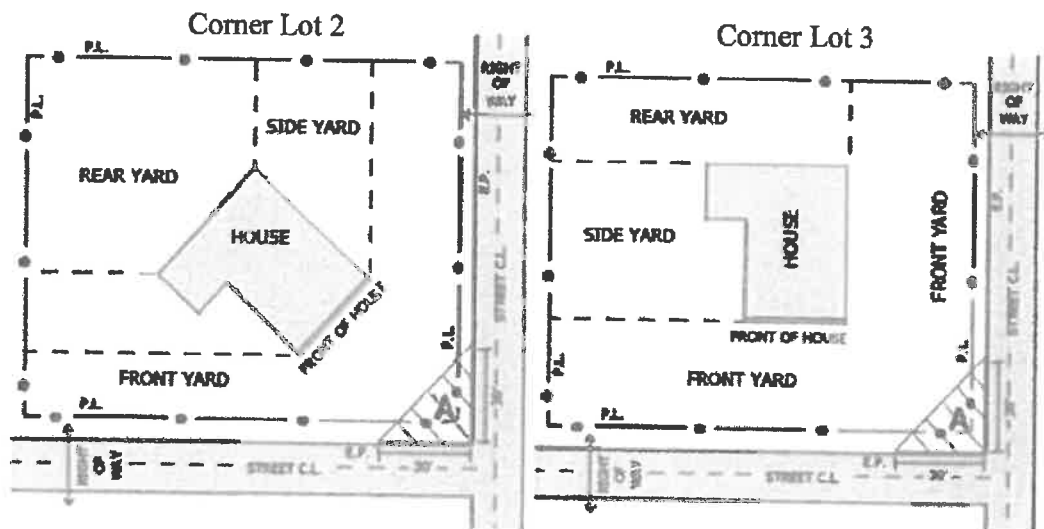
7. Fence poles and stakes shall be placed on the interior side of the fence so that the more attractive side of the fence faces the exterior of the yard.

1. Definitions:

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

2. Location

The diagram illustrates the difference between an Interior Lot and a Corner Lot 1. The Interior Lot is a rectangular lot with a house, rear yard, side yards, and front yard. The Corner Lot 1 is a triangular lot with a house, rear yard, side yard, and front yard. Both diagrams show the street centerline (S.C.L.) and the right of way (R.O.W.) line. The Corner Lot 1 is labeled as such.



- 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 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 4. 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 5. Repeal of conflicting regulations. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they conflict with this ordinance, or any part of this Ordinance.

SECTION 6. 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 7th day of July, 2020.

AYES: Dries, Fahnestock, Harris, Rebore

NAYS: Higgins, Ward

ABSENT: None

APPROVED this 7th day of July, 2020.



Terri D'Amato
Terri D'Amato, Village Clerk

Kathleen Curtis
Kathleen Curtis, Village President

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

I further certify that on the 7th day of July, 2020, the Board of Trustees of the Village of Maple Park passed and approved **AN ORDINANCE AMENDING TITLE 11, "ZONING REGULATIONS," CHAPTER 2, "GENERAL PROVISIONS," SECTION 4, "ADDITIONAL REGULATIONS FOR UNIQUE USES" OF THE MUNICIPAL CODE OF THE VILLAGE OF MAPLE PARK.**

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MEMORANDUM

TO: Village President and Board of Trustees

FROM: Village Administrator Cheryl Aldridge

DATE: November 16, 2023

SUBJECT: **ORDINANCE REVIEW – Sheds – Title 11 “Zoning Regulations,” Chapter 2 “General Provisions,” Section 3 “Accessory buildings and uses,” Item B “Location”**

BACKGROUND

At the Village Board’s meeting on November 7, 2023, the Village Board directed the staff to bring Sheds back to the Committee of the Whole prior to the Planning & Zoning Commission meeting scheduled for Wednesday, January 24, 2024.

Attached is the “Accessory buildings and uses” section of the Village Code. This code is from Title 11 “Zoning Regulations,” Chapter 2 “General Provisions,” Section 3 “Accessory buildings and uses,” Item B “Location.”

RECOMMENDATION

Staff recommends that the Village Board review Title 11 “Zoning Regulations,” Chapter 2 “General Provisions,” Section 3 “Accessory buildings and uses,” Item B “Location.” and direct staff on further actions on this Village Code.

Attachment

Village Code Title 11 “Zoning Regulations,” Chapter 2 “General Provisions,” Section 3 “Accessory buildings and uses,” Item B “Location.”

Sec. 11-2-3. - Accessory buildings and uses.

- A. *Permitted obstruction.* Accessory buildings, structures and uses as permitted in district regulations may be obstructions in required yards as follows:

TABLE 11-2-3A. PERMITTED OBSTRUCTION LOCATIONS

PERMITTED OBSTRUCTION LOCATIONS			
Obstruction	Front/Side Yards Adjoining Streets	Interior Side Yards	Rear Yards
Air conditioning equipment shelters	Not permitted	Permitted	Permitted
Arbors or trellises and trellises attached to principal building	Permitted	Permitted	Permitted
Architectural entrance structures on a lot not less than 2 acres in area or at entrance roadways into subdivisions containing 100 or more lots	Permitted	Permitted	Permitted
Awnings/canopies	Not more than 3 feet into required yard	Not more than 3 feet into required yard	Not more than 3 feet into required yard
Balconies	Permitted	Permitted	Permitted
Bay windows with maximum 3 foot penetration	Permitted	Permitted	Permitted
Chimneys with maximum 24 inch penetration	Permitted	Permitted	Permitted
Decks and unenclosed porches	Permitted	Permitted	Permitted

Detached garages or carports	Not permitted	Permitted	Permitted
Eaves and gutters	Permitted	Permitted	Permitted
Fire escapes or fire towers with maximum penetration of 5 feet front/side yard and 3½ feet interior side yard or court	Permitted	Permitted	Permitted
Flagpoles	Permitted	Permitted	Permitted
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	Not permitted	Permitted	Permitted
Generator	Not permitted	Permitted	Permitted
Growing farm/garden crops in open	Not permitted	Permitted	Permitted
Open off-street loading spaces	Not permitted	Not permitted	Permitted
Open off-street parking spaces at least 2½ feet from lot line/10 feet from building wall in court or as required ²	Not permitted	Permitted	Permitted

Playground and laundry drying equipment	Not permitted	Not permitted	Permitted
Satellite antenna:			
Diameter less than 2 feet	Permitted	Permitted	Permitted
Diameter 2 feet or greater	Not permitted	Permitted	Permitted
Sills, belt course, cornices, and ornamental features of principal buildings with maximum penetration of 18 inches	Permitted	Permitted	Permitted
Steps, open, maximum of 8 risers (principal or accessory building)	Permitted	Permitted	Permitted
Swimming pool, private (must meet all codes)	Not permitted	Not permitted	Permitted
Terraces, patios, and outdoor fireplaces	Not permitted	Permitted	Permitted
Notes: ¹ Ten-foot (10') maximum penetration of front yard. ² In the industrial and all business districts, open off-street parking spaces may be in a required side yard adjoining a street as hereinafter regulated.			

- 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 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.

- C. *Time of construction.* No accessory building shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- D. *Percentage of required rear yard occupied.* No accessory building or buildings shall occupy more than 40 percent of the area of a required rear yard.
- E. *Height of accessory buildings in required rear yards.* No accessory building or portion thereof located in a required rear yard shall exceed 15 feet in height.
- F. *Prohibited accessory buildings.* The requirements of subsection F.1 of this section, do not apply to trailers, recreational vehicles, or other similar vehicles, parked on a permitted sales lot:
 - 1. Not more than one trailer, recreational vehicle, or other similar vehicle shall be parked on any one lot.
 - 2. No trailer, recreational vehicle, or other similar vehicle shall be used as a dwelling.
 - 3. No trailer, recreational vehicle, or other similar vehicle shall be used as an office or for any other commercial purpose except for approved construction offices.
 - 4. No trailer, recreational vehicle, or other similar vehicle shall be used for the storing of personal or business related materials.
 - 5. The parking of a trailer, recreational vehicle, or similar vehicle is allowed. The parking area must be paved.
 - 6. The parking of a trailer, recreational vehicle, or similar vehicle, shall comply with the yard requirements for accessory buildings of the district in which it is located. No vehicle shall be parked or stored in a manner that inhibits or impedes travel on public streets and sidewalks.
- G. *Foundation requirements for certain accessory buildings.* In addition to all other municipal building code requirements, any accessory building having a floor area greater than 200 square feet or a door wider than six feet shall be placed on a permanent concrete slab foundation having specifications approved by the planning and zoning code official.
- H. *Number of accessory uses.* Only one detached accessory structure shall be permitted per lot.
- I. *Generators.* Generators are an allowed interior side and rear yard obstruction, provided they comply with the side and rear yard setback requirements.

(Ord. 2014-13, 7-1-2014; amd. Ord. 2021-15, 11-9-2021)