



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>

**PUBLIC HEARING AGENDA
WEDNESDAY, JANUARY 24, 2024
MAPLE PARK CIVIC CENTER
302 WILLOW STREET, MAPLE PARK
7:00 P.M.**

- 1. Call to Order Public Hearing**
- 2. Roll Call**
- 3. Open Public Hearing**
- 4. Title 11, “Zoning Regulations”, Chapter 2, “General Provisions” – Sheds, Color / façade of sheds, location of sheds**
- 5. Title 10, “Building and Development Regulations”, Chapter 1, “Building and Construction Codes” and Title 11, “Zoning Regulations”, Chapter 2, “General Provisions” – Regulations regarding swimming pools**
- 6. Title 7, “Motor Vehicle and Traffic”, Chapter 4, “Parking Regulations”; Title 10, “Building and Development Regulations”, Chapter 5, “Trailers and Trailer Parks”; Title 11 “Zoning Regulations”, Chapter 9, “Special Regulations” – Approved Surfaces / Trailer Parking**
- 7. Close Public Hearing**

**PLANNING AND ZONING COMMISSION MEETING AGENDA
WEDNESDAY, JANUARY 24, 2024
MAPLE PARK CIVIC CENTER
302 WILLOW STREET, MAPLE PARK
IMMEDIATELY FOLLOWING THE PUBLIC HEARING**

- 1. Call to order the regular meeting of the Planning & Zoning Commission**
- 2. Roll Call**
- 3. Approval of Meeting Minutes**
 - Planning & Zoning Committee Minutes – May 17, 2023
- 4. Title 11, “Zoning Regulations”, Chapter 2, “General Provisions” – Sheds, Color / façade of sheds, location of sheds**
- 5. Title 10, “Building and Development Regulations”, Chapter 1, “Building and Construction Codes” and Title 11, “Zoning Regulations”, Chapter 2, “General Provisions” – Regulations regarding swimming pools**
- 6. Title 7, “Motor Vehicle and Traffic”, Chapter 4, “Parking Regulations”; Title 10, “Building and Development Regulations”, Chapter 5, “Trailers and Trailer Parks”; Title 11 “Zoning Regulations”, Chapter 9, “Special Regulations” – Approved Surfaces / Trailer Parking**
- 7. Other Items**
- 8. Next Meeting – To be determined**
- 9. Adjournment**

Planning and Zoning Commission Members:

**Chair Kimberly Sutherland
Commissioner Kyle Foster
Commissioner Rusty Kubis
Commissioner Patricia Lunardon
Commissioner Cathy Mathews
Commissioner Christian Rebone**



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MEMORANDUM

TO: Planning & Zoning Commission
FROM: Village Administrator Cheryl Aldridge
DATE: January 16, 2024
SUBJECT: PUBLIC HEARING REGARDING MUNICIPAL CODE TEXT AMENDMENTS

BACKGROUND

The Village Board has discussed potential text amendment changes to multiple portions of the Municipal Code. The areas that they have requested the Planning & Zoning Commission to hear Public Comments regarding as well as to discuss are:

1. Sheds

a. Color / façade of sheds

- i. Currently: 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 façade 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 (11-2-3A Table)
- ii. Requested Change: Would like to see the sheds / buildings well maintained, but not required to be the same style, materials, and color.

b. Location of sheds

- i. Currently: *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. (11-2-3B)
- ii. Requested Change: Would like to allow sheds closer to house.
- iii. Concern: The main difference between storing chemicals in a garage and storing them in a shed close to the home, there is a 5/8" drywall barrier that is a separation between a garage and the living space of a home to help protect from fire spread.

2. Pools

- a. In 2020, the Plan Commission reviewed the pool definitions and permitting requirements within Title 10, Building and Development Regulations, and Title 11, Zoning Regulations. A findings of fact was sent to the Village Board at the July 2, 2020 Board Meeting. The ordinance was updated and approved. The approved ordinance is attached, as well as the full packet containing the Plan Commission's findings of fact and other relevant notes.

- b. Requested review and possible Change: The Board would like to review the updates made to the ordinance.
- 3. Approved Surfaces / Trailer Parking
 - a. Approved Surface / Under Trailer Parking Prohibited
 - i. Currently: Under the approved surfaces, concrete, asphalt, paving bricks, cobblestone, or bricks designed for motor vehicle traffic. Currently under Non-Approved Surface: Non-approved surfaces include: stone, crushed stone, gravel, or any other stone product, tar and chip, mulch or any other such loose material. (7-4-3A)
 - ii. Requested Change: Would like to include stone, crushed stone, gravel, or any other stone product.
 - b. Trailers and Trailer Parks / Use Restricted
 - i. Currently: Use restricted. No house trailer shall be maintained, kept, placed or used for sleeping or living quarters, or for any other purpose other than that of storage, in any part or portion, lot or block of the residential area of the village, nor in any part or portion, lot or block of the business section of the village, for a period longer than 48 hours, except by special permission of the village board. (10-5-9)
 - ii. Requested Change: Would like to remove the time limit.
 - c. Accessory buildings and uses.
 - i. Currently: Prohibited accessory buildings. 5. The parking of a trailer, recreational vehicle, or similar vehicle is allowed. The parking area must be paved. (11-2-3F)
 - ii. Requested Change: Would like to remove the paving requirement and allow additional approved surfaces.
 - d. Additional Parking Regulations
 - i. Currently: Under the approved surfaces, concrete, asphalt, paving bricks, cobblestone, or bricks designed for motor vehicle traffic. Currently under Non-Approved Surface: Non-approved surfaces include: stone, crushed stone, gravel, or any other stone product, tar and chip, mulch or any other such loose material. (11-9-3)
 - ii. Requested Change: Would like to include stone, crushed stone, gravel, or any other stone product.
 - iii. Currently: No recreational vehicles or trailers exceeding thirty feet (30') in length may be parked in a driveway and no recreational vehicle or trailer may impede traffic on the sidewalk. (11-9-3)
 - iv. Requested Change: Removal of length maximum. The main request is that it does not block sidewalks and streets, and that it is not on parkways.

RECOMMENDATION

That the Planning & Zoning Commission hear any Public Comments regarding the above Municipal Code changes, discuss the changes as requested, and provide to the Village Board a findings of fact regarding these changes.

Attachments

11-2-3 Accessory buildings and uses (Sheds)

Ordinance 2020-15 Amending Pools

July 2, 2020 Pool Ordinance Packet

7-4-3 Trailer Parking Prohibited

10-5-9 Trailers and Trailer Parks

11-2-3F Accessory buildings and uses (Trailer Parking)

11-9-3 Additional Parking Regulations

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
<p>Notes:</p> <p>¹ Ten-foot (10') maximum penetration of front yard.</p> <p>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.</p>			

- 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)

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

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:

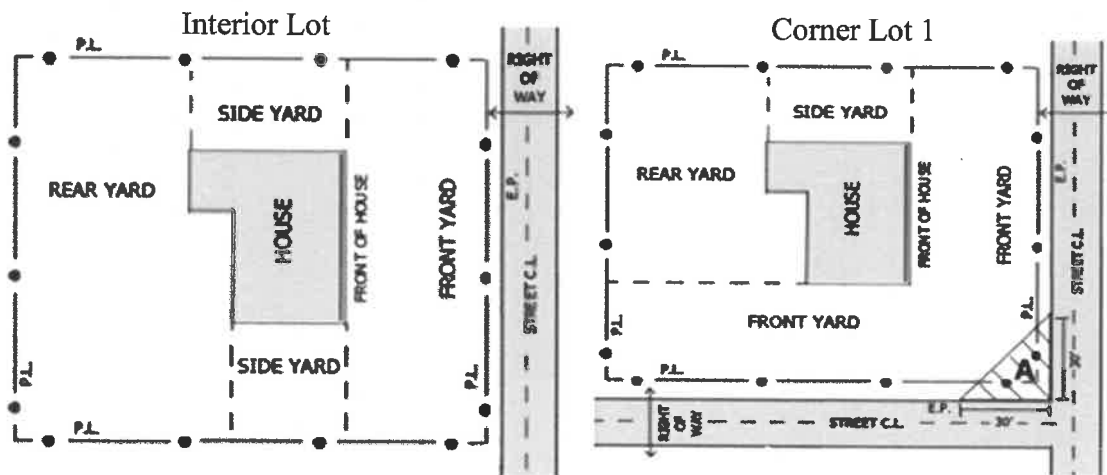
Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches (24") deep.

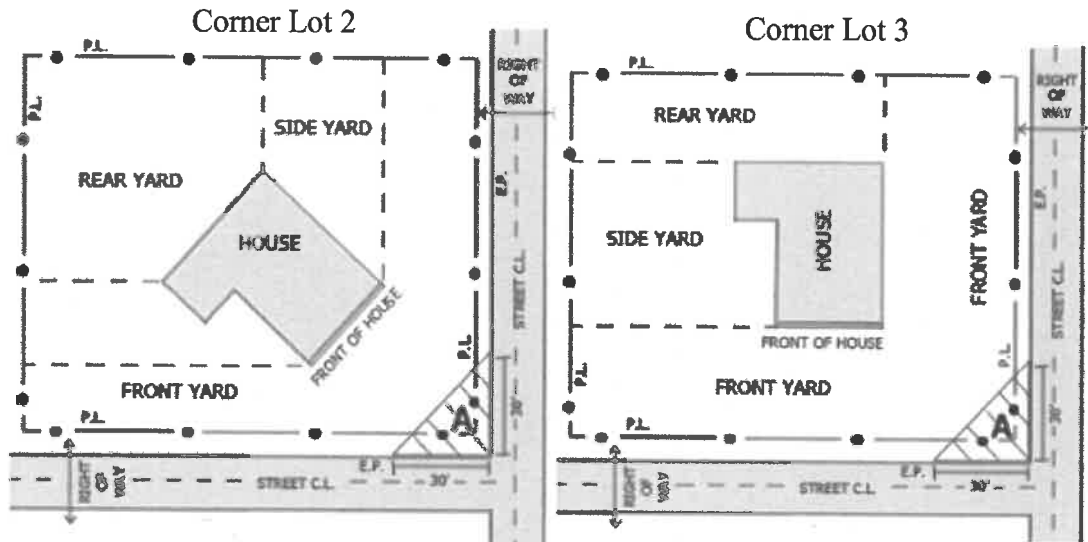
Spa – an above ground self-contained heated or jetted pool. Also known as Jacuzzi or hot tub.

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 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.

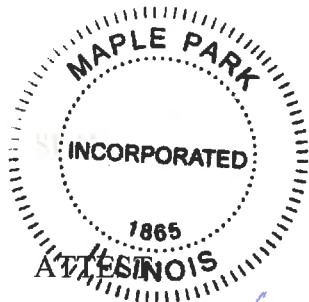
ADOPTED THIS 7th day of July, 2020.

AYES: Dries, Fahnestock, Harris, Rebore

NAYS: Higgins, Ward

ABSENT: None

APPROVED this 7th day of July, 2020.





Terri D'Amato, Village Clerk


Kathleen Curtis, Village President

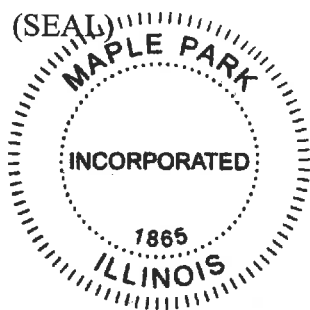
CLERK'S CERTIFICATE

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

I, Theresa D'Amato, certify that I am the duly appointed and acting municipal clerk of Maple Park, DeKalb and Kane County, Illinois.

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.**

Dated at Maple Park, Illinois, this 9th day of July, 2020.




Theresa D' Amato, Village Clerk



Village of Maple Park

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


Village Hall: 815-827-3309

Fax: 815-827-4040

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

MEMORANDUM

TO: Village President and Board of Trustees

FROM: Village Administrator Dawn Wucki-Rossbach 

DATE: July 2, 2020

SUBJECT: **ORDINANCE 2020-15 – TEXT AMENDMENT – ORDINANCE AMENDING, TITLE 11, “ZONING REGULATIONS,” CHAPTER 2, “GENERAL PROVISIONS,” SECTION 11-2-4.B., “POOLS”**

BACKGROUND

As the Board will recall, at the January 7, 2020 Village Board Meeting, the Board discussed and the Plan Commission was presented with revisions to the Zoning Ordinance regarding swimming pools. The revision included the removal of a “Temporary Pool” definition and permitting requirements.

At the June 18, 2020 Plan Commission Meeting, the Plan Commission discussed the following factors when considering this ordinance change. The Plan Commission wanted to amend Title 11, Chapter 11-2-4.B. Pools to:

1. Move all zoning/permitting requirements for pools to one location in the Municipal Code.
2. Remove the definition of “Temporary Pools” from the code.
3. Remove the need for inflatable pools that are not up 180 days to obtain permits.
4. Allow the homeowner the option of having a “qualified person” complete the electrical work necessary to operate a pool system and strike the need for an electrician to complete any electrical work.

The Plan Commission is also recommending that an above ground permit cost \$140, currently it is \$70. This fee is located in 10-1A-3.A.1. This fee is highlighted in yellow.

Staff explained during the discussion regarding the location of all the pool zoning/permitting requirements into location in the ordinance that there is a difference between what specifically should be included in the Municipal Code and what should be included in an information packet regarding pools. For example, at the very beginning of an information packet there would be a statement that says that the pool manufacturer’s specifications would dictate the need for any electrical work and that electrical work may need a permit and that work must be completed by a licensed electrician. This type of information would not be included in the Municipal Code. Staff stated that it would prepare an updated information packet for pools.

The Plan Commission also discussed what building codes the Village adopted and how that affects the need for a pool barrier and a contradiction in the code Title 10, Chapter 1, Article F. 7. Article F.7. (text is highlighted in yellow) states that inflatable, temporary swimming pools of any depth are exempt from obtaining a permit. If the reference to inflatable, temporary pools is struck from this Article per the Plan Commission discussion regarding these pools they will be required to have a permit.

The Village adopted the International Building Code, 2006 Edition, published by the International Code Council (ICC). Attached is a copy of the barrier requirements adopted by the Village in 2006. Staff strongly concurs with the ICC Codes regarding swimming pools, including:

1. Appendix G - The ICC definition of Swimming Pool – Which is defined as” any structure intended for swimming or recreational bathing that contains water over 24” deep. This includes in-ground, above-ground, on-ground swimming pools, hot tubs and spas.” To Staff this means any pool above 24” regardless of whether or not they are inflatable and the number of days the pool is up.
2. Appendix G - Barrier requirements for pools that are 24” in height or greater.

Staff also strongly believes that the electrical work associated with a pool should be completed by a licensed electrician.

Staff concurs with the Plan Commission’s recommendation to increase the cost of a pool permit from \$70 to \$140. This fee is a cost recovery fee for the Village based on the amount of time and number of inspections completed on a pool as it moves through the permit process.

RECOMMENDATION

That the Village Board approve Ordinance 2020-15 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.

OR

That the Village Board amend Ordinance 2020-15 with the following changes:

1. Page 2 of 10 - Title 10, Chapter 1, Article F-1.7. Prefabricated swimming pools accessory to a group R-3 occupancy that are less than 24 inches (610 mm) deep and/or inflatable, temporary swimming pools of any water depth, do not exceed 5,000 gallons (18,925 L), and are installed entirely above ground. Delete the struck through yellow highlighted language.
2. Page 4 of 10 – Title 11, Chapter 2, 4.B.1. Definitions - Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches (24”) deep and up over 180 days. Delete struck through yellow highlighted language.
3. Page 6 of 10 – Title 11, Chapter 2 4.B.3.i. - Pools that have a depth of 24” or less and left up for no more than 30-180 days do not require an enclosure or barrier. Pools of 24” or greater that are up for 30-181 days or more shall comply with all ordinance requirements. Delete struck through yellow highlighted language.
4. Page 7 of 10 – Title 11, Chapter 2, 4.B.4.i.h. - All electrical work must be installed per the National Electric Code (NEC) and installed by a licensed electrician or qualified person. Delete struck through highlighted language.

Attachments

Attachment A – Appendix G Swimming Pools, Spas and Hot Tubs

Attachment B – Ordinance 2020-15

Attachment C – Findings of Fact Dated June 18, 2020

Attachment D – June 15, 2020 Plan Commission Memo

APPENDIX G

SWIMMING POOLS, SPAS AND HOT TUBS

SECTION AG101
GENERAL

AG101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.

SECTION AG102
DEFINITIONS

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AG103
SWIMMING POOLS

AG103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG108.

AG103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section AG108.

SECTION AG104
SPAS AND HOT TUBS

AG104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 as listed in Section AG108.

AG104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Section AG108.

SECTION AG105
BARRIER REQUIREMENTS

AG105.1 Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed $1\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1³/₄ inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2¹/₄-inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1³/₄ inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1³/₄ inches (44 mm).
8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
 - 8.2. The gate and barrier shall have no opening larger than 1/2 inch (13 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
 - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or
 - 9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touch pad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
 - 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded

is not less than the protection afforded by Item 9.1 or 9.2 described above.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
 - 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
 - 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

AG105.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

AG105.4 Prohibited locations. Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

AG105.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

SECTION AG106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AG106.1 General. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.

AG106.2 Suction fittings. Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8M, or an 18 inch × 23 inch (457 mm by 584 mm) drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers

AG106.3 Atmospheric vacuum relief system required. Pool and spa single- or multiple-outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. This vacuum relief system shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17; or
2. An approved gravity drainage system.

AG106.4 Dual drain separation. Single or multiple pump circulation systems have a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate the outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps.

AG106.5 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible posi-

tion(s) at least 6 inches (152 mm) and not more than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).

UL

UL2017-2000 Standard for General-purpose
Signaling Devices and Systems—with Revisions
through June 2004. AG105.2

SECTION AG107 ABBREVIATIONS

AG107.1 General.

ANSI—American National Standards Institute
11 West 42nd Street, New York, NY 10036

ASME—American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

ASTM—ASTM International
100 Barr Harbor Drive, West Conshohocken, PA 19428

NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue, Alexandria, VA 22314

UL—Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, Illinois 60062-2096

SECTION AG108 STANDARDS

AG108.1 General.

ANSI/NSPI

ANSI/NSPI-3-99 Standard for Permanently Installed
Residential Spas. AG104.1

ANSI/NSPI-4-99 Standard for Above-ground/On-ground
Residential Swimming Pools AG103.2

ANSI/NSPI-5-99 Standard for Residential In-ground
Swimming Pools AG103.1

ANSI/NSPI-6-99 Standard for Residential
Portable Spas AG104.2

ANSI/NSPI-5-2003 Standard for Residential
In-ground Swimming Pools AG103.1

ANSI/ASME A112.19.8M-1987 (R1996) Suction
Fittings for Use in Swimming Pools,
Wading Pools, Spas, Hot Tubs and
Whirlpool Bathing Appliances AG106.2

ASTM

ASTM F 1346-91 (2003) Performance Specification
for Safety Covers and Labeling Requirements for
All Covers for Swimming Pools, Spas and
Hot Tubs AG105.2, AG105.5

ASME

ASME A112.19.17 Manufacturers Safety Vacuum
Release Systems (SVRS) for Residential and
Commercial Swimming Pool, Spa, Hot Tub and
Wading Pool. AG106.3

APPENDIX B

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 ___ day of _____, 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 10-1F-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 that are less than 24 inches (610 mm) deep and/or inflatable, temporary swimming pools of any water 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.

11. 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 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 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:

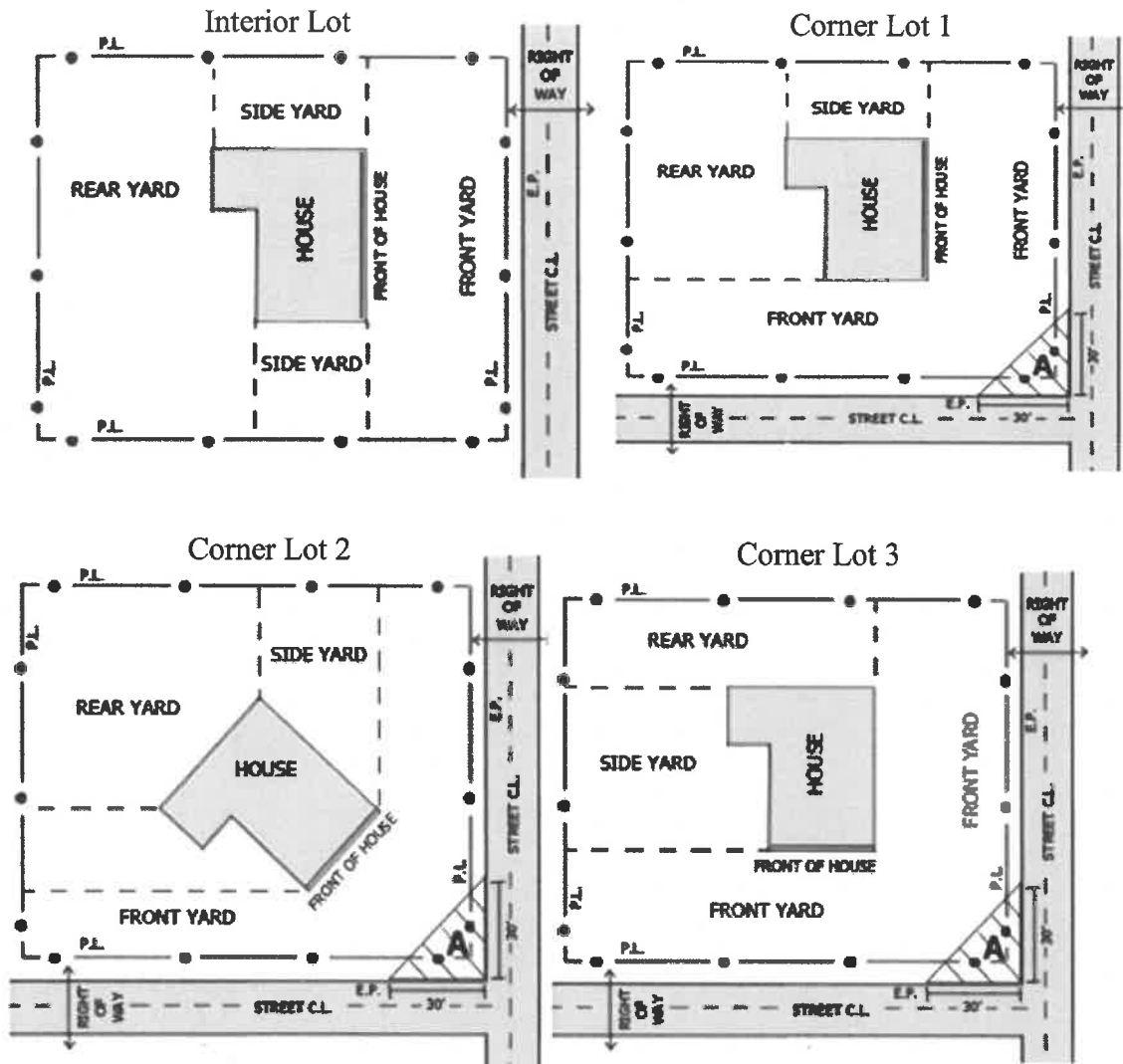
Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches (24") deep and up over 180 days.

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 and temporary 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, temporary pools and spas shall be located a minimum of 10 feet from any property line, including any decking or platform.
- iii. Swimming pools, temporary pools and spas shall not be located under any overhead utility wires.
- iv. Swimming pools, temporary 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, temporary pools and spas may not be installed in any easement.

3. Barrier

- i. Pools that have a depth of 24" or less and left up for no more than 30 180 days do not require an enclosure or barrier. Pools of 24" or greater that are up for 30 181 days or more 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~~ or qualified person.

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 ____ day of ____, 2020.

AYES: _____

NAYS: _____

ABSENT:

APPROVED this day of , 2020.

SEAL

Kathleen Curtis, Village President

ATTEST:

Terri D'Amato, Village Clerk

CLERK'S CERTIFICATE

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

I, Terri D'Amato, certify that I am the duly appointed and acting municipal clerk of Maple Park, DeKalb and Kane County, Illinois.

I further certify that on the ____ day of _____, 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.**

Dated at Maple Park, Illinois, this _____, 2020.

(SEAL)

Terri D' Amato, Village Clerk

**BEFORE THE PLAN COMMISSION OF
THE VILLAGE OF MAPLE PARK, ILLINOIS
JUNE 18, 2020**

FINDINGS OF FACT AND RECOMMENDATION

This matter came before the Plan Commission of Maple Park, at a Public Hearing, via Zoom, on June 18, 2020 at 7:00 p.m., for amending Chapter 11, Section 11-2-4 by replacing Section 11-2-4A.8. with Section 11-2-4B. "Pools."

It should be noted that the Public Hearing Notice was originally published for this matter on February 29, 2020 for the next scheduled meeting of the Plan Commission on March 19, 2020; however, there was no quorum of the Plan Commission. Finally, a Public Hearing Notice was published on May 30, 2020 for the next regularly schedule Plan Commission Meeting on June 18, 2020.

On June 18, 2020, the Village Clerk Theresa D'Amato advised the Plan Commission that the Public Hearing for this matter had been properly noticed in the Daily Chronicle, as required by Section 11-11-4. A of the Maple Park Municipal Code, on May 30, 2020. The Plan Commission had a quorum at the June 18, 2020 meeting.

Chairman Miller asked if there were any comments from the public. There were no public comments received in person via the Zoom meeting or by e-mail to the Village Clerk.

Chairman Miller closed the public hearing at 7:20 p.m.

The Plan Commission reviewed the matter at hand at the regular Plan Commission meeting and determined that the proposed text amendment removing Section 11-2-4.A.8. and replacing it with Section 11-2-4.B. Pools is acceptable; and, met the following objectives:

1. To protect and enhance the character and stability of existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures. *That the proposed text amendment ensures that it is clear that pools under 24" in height that are not up more than 180 days per year do not require a permit. Pools 24" or greater in height will require a permit and must meet setback and barrier requirements.*
2. To conserve and increase the value of taxable property throughout this municipality. *That by allowing pools 24" in height up more than 180 days per year and meet permit and barrier requirements may increase property value.*
3. To ensure the provisions of adequate light, air and privacy for the occupants of all buildings. *That by requiring that pools be constructed within the required setbacks and with proper barrier will not affect the light, air and privacy of the homeowner or adjacent property owners.*

4. To provide for efficient administration and fair enforcement of all regulations set forth in the Title 11 Zoning Regulations. *That by not requiring permits for pools that are no greater than 24" in height that are up more than 180 days ensures compliance with the code and will assist in easing the burden of the permit process and code enforcement activities.*
5. To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments, and the like. *That by removing 11-2-4.A.8. and replacing it with 11-2-4.B., will provide potential pool owners the information needed to determine whether or not they need a permit. Further, the new language explains setback requirements for pool location, barrier and electrical requirements and minimum permit application requirements.*

Chairman Miller asked the Plan Commission members if they would like to vote on the proposed text amendment: Chapter 11, Section 11-2-4.B., "Pools."

Commissioner Joy motioned to approve the proposed text amendment for: Chapter 11, Sections 11-2-4.B., "Pools;" the motion was seconded by Commissioner Ramirez. The motion carried by roll call vote of 4 - 0.

Aye: Chuck Miller, Hilary Joy, Jeff Ramirez, Kyle Foster

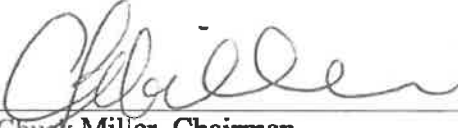
Nay: None

Absent: Kimberly Sutherland, Lorenzo Catanag

Recommendation of **APPROVAL** of the proposed zoning ordinance change shall be forwarded to the Village of Maple Park Board of Trustees for approval on Tuesday, July 7, 2020.

Dated: 02 July 2020

Respectfully submitted,



Chuck Miller, Chairman
Maple Park Planning Commission



Village of Maple Park

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

Village Hall: 815-827-3309

Fax: 815-827-4040

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

MEMORANDUM

TO: Plan Commission

FROM: Village Administrator Dawn Wucki-Rossbach *DWR*

DATE: June 15, 2020

SUBJECT: TEXT AMENDMENT – 11-2-3 ACCESSORY BUILDINGS AND USES AND 11-2-4.B. POOLS

BACKGROUND

At the January 7, 2020 Village Board Meeting, the Village Board agreed to have the Plan Commission proceed with revisions to the Zoning Ordinance in order to address swimming pools. The Board discussed, and a couple of members felt that creating a separate class of pools, such as Temporary Pools was not something they would support; others felt that the ordinance should require a pool when it was a certain number of inches high be required to have a permit, and an electrician installing the required electrical work, regardless of whether or not it was a temporary pool.

Staff has revised the ordinance to include the following changes:

1. In Table 11-2-3A - The reference to temporary pools has been removed.
2. In 11-2-4.A.8 – The existing language regarding inground pools has been struck.
3. In 11-2-4.B.1. – The proposed language for Temporary Pools has been struck.
4. In 11-2-4.B.3.i. – The proposed language for Temporary Pools has been struck.
5. In 11-2-4.B.3.ii. – New language regarding where the latch has to be placed has been added and the required height of the 54 has replaced the 42 inches above the ground.
6. 11-2-4-B.4.i. – The property language for Temporary Pools has been struck.
7. 11-2-4.B.5.ii. – The proposed language for Temporary Pools has been struck.

RECOMMENDATION

Plan Commission discussion should include:

1. Whether or not the Temporary Pool language should remain. With how the language is now written, any pool 24" or less and left up for no more than 30 days does not require a permit.
2. Whether or not a Temporary Pool, if the Commission recommends that the proposed language remains, is required to obtain a permit and is required to have an electrician install the electrical requirements for the pool.

Staff believes that having a 24" in height or less pool and having a pool up for less than 30 day language in the ordinance addresses the issue of when a permit is required. Staff recommends having an electrician install the electrical requirements for the pool.

Attachments

Pool Ordinance 02-25-20

ATTACHMENT A

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

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 ¹	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	Permitted	Permitted	Permitted

front/side yard and 3 ¹ / ₂ feet interior side yard or court			
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 2 ¹ / ₂ 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 Diameter 2 feet or greater	Permitted Not permitted	Permitted 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. 10 foot 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 (5') 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 (5') 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 (10') to the rear lot line. In a residential district, no detached accessory building shall be closer than ten feet (10') 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 forty percent (40%) 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 fifteen feet (15') in height.

F. Prohibited Accessory Buildings: The requirements of subsection F1 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 two hundred (200) square feet or a door wider than six feet (6') shall be placed on a permanent concrete slab foundation having specifications approved by the 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)

ATTACHMENT B

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 districts¹.
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.
8. Inground swimming pools/aboveground swimming pools and spas over twelve inches (12") deep, having a surface of at least two hundred fifty (250) square feet, or are permanently equipped with a water recirculating system:
 - a. Shall have any wall of a private swimming pool located at least ten feet (10') from the property line and from the principal structure.

b. 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 aboveground pool.

c. Shall have erected and maintained an adequate enclosure either surrounding the property or pool/spa area. Such enclosure must not be less than four feet (4') high with latching gate. (Ord. 2017-15, 8-1-2017)

B. Pools

1. Definitions

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

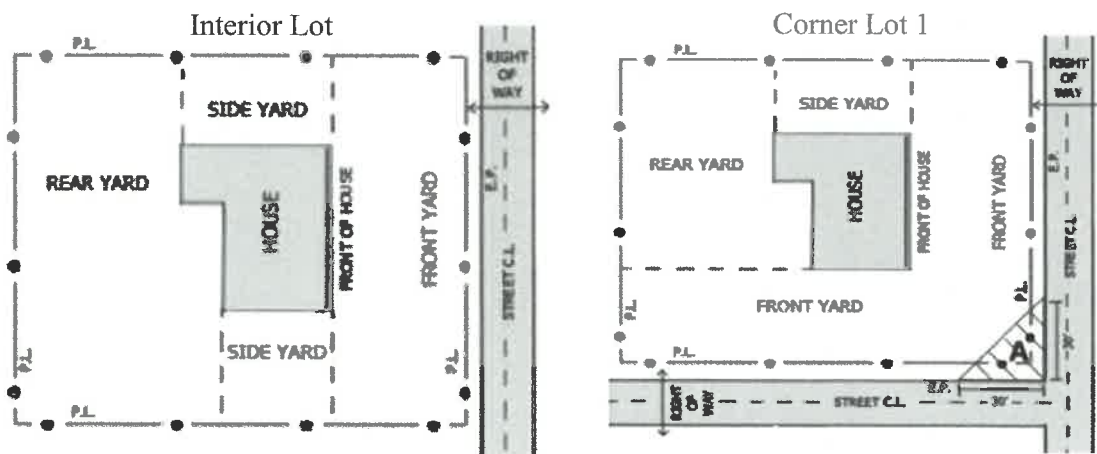
Temporary Pool - A swimming pool constructed to be disassembled and reassembled to its original integrity on a seasonal basis (6 months or less)

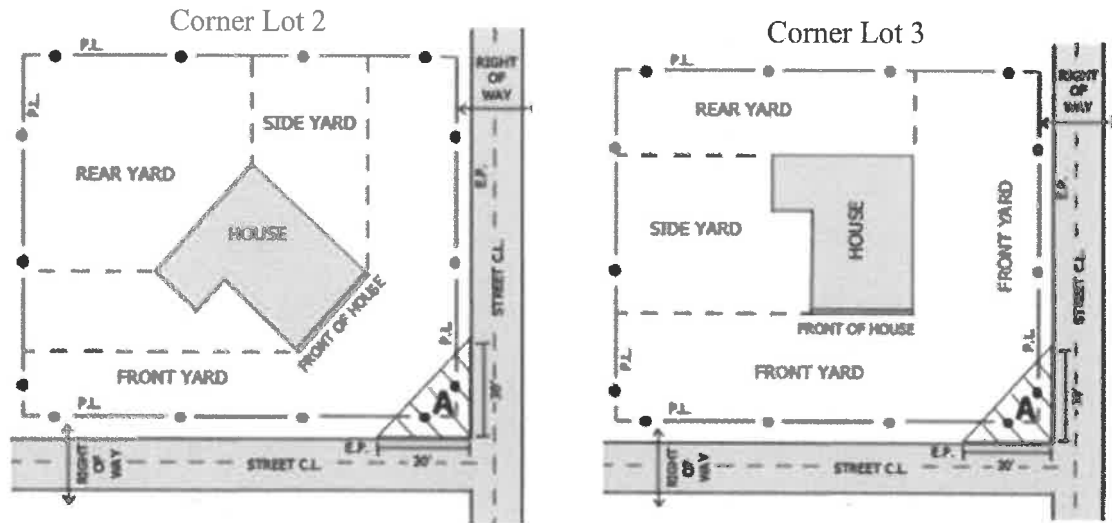
Spa - an above ground self-contained heated or jetted pool. Also known as Jacuzzi or hot tub.

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, temporary 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 and temporary 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, temporary pools and spas shall be located a minimum of 10 feet from any property line, including any decking or platform.
- iii. Swimming pools, temporary pools and spas shall not be located under any overhead utility wires.
- iv. Swimming pools, temporary 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, temporary pools and spas may not be installed in any easement.

3. Barrier

- i. Pools that have a depth of 24" or less and left up for no more than 30 days do not require an enclosure or barrier. Pools of 24" or greater that are up for 30 days or more shall comply with all ordinance requirements of a temporary pool.
- 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 ~~42~~ **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. ~~Temporary Pools – Temporary pools may have a pump/filter with GFCI integrated or plugged into a GFCI outlet and follow manufacturer’s specifications for the pump.~~
 - ii. 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 completed.

ii. Temporary pool permit

- ~~a. Any pool that is either greater than 24" deep and/or left up more than 30 days requires a Temporary Pool permit.~~
- ~~b. Temporary Pool Permit fee See 10-1A.3.1.~~
- ~~c. Electrical work must be inspected prior to filling pool.~~
- ~~d. Pool location must be inspected prior to filling pool.~~

ATTACHMENT C

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 without electric or above ground swimming pools with electric	\$70.00 <u>\$140.00</u>
Conditional certificate of occupancy when requested by the builder when circumstances do not warrant	\$95.00 (nonrefundable)

Sec. 7-4-3. - Trailer parking prohibited.

A. *Definitions.*

Surface:

Approved surface includes:

1. Concrete—four inches minimum of concrete over a four-inch compacted gravel base.
2. Asphalt—two inches minimum over six-inch compacted base.
3. Paving bricks, cobblestone, or bricks designed for motor vehicle traffic, installed in accordance with manufacturer's installation instructions for the expected load.

Non-approved surface includes stone, crushed stone, gravel, or any other stone product, tar and chip, mulch or any other such loose material.

With special use permit means when parking surface is over 2,000 square feet, property owner may use semi-permeable pavers designed for motor vehicle traffic. Property owner must submit manufacturer's installation instructions, as well as drainage plans. Property owner must further obtain a special use permit in accordance with section 11-11-8 of this Code.

Trailer:

Camping trailer means a trailer, not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and of a size or weight not requiring an overdimension permit when towed on a highway.

Implement of husbandry means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder.

Pole vehicle means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Recreational trailer means every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Recreational vehicle means every camping trailer, motor home, mini motor home, travel trailer, truck

camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

Tank vehicle means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

Travel trailer means a trailer, not used commercially, designed to provide living quarters for recreational, camping or travel use, and of a size or weight not requiring an overdimension permit when towed on a highway.

- B. Parking prohibited means it shall be unlawful to park any "trailer" as defined above on any public street or parkway in the village at any time for more than 48 hours without permission from the Village of Maple Park.
- C. Work trailers means work trailers that are used during the day and parked at night are also prohibited. These trailers must be parked on an approved surface on the owner's property, not in the street or on the parkway.
- D. Penalty means any person, firm, partnership, corporation or association found violating the provisions of this section shall be subject to a fine for each violation of this section and may be subject to towing of said trailer. The cost of said towing shall be the obligation and the expense of the vehicle owner.

(Ord. 2014-01, 3-4-2014; Ord. 2019-02, 2-5-2019)

CHAPTER 5. - TRAILERS AND TRAILER PARKS

Sec. 10-5-1. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated below:

Trailer coach shall mean and include any vehicle or similar portable structure constructed so as to permit its being used as a conveyance on a public street and so as to permit the occupancy thereof as a dwelling by one or more persons. The definition of "trailer coach" shall also include "mobile home" as defined in section 11-1-3 of this code.

Trailer coach park shall mean and include an area of land on which two or more occupied trailer coaches are harbored, either free of charge or for revenue, together with any building, structure, or enclosure used as part of the equipment of such park.

(1982 Code § 15-12; amd. 2004 Code)

Sec. 10-5-2. - Park license required; application; fee.

- A. *License required.* It shall be unlawful to establish, maintain or operate any trailer coach park in the village without first having obtained a license therefor.
- B. *Application.* Application for such licenses shall be made in writing to the village clerk in compliance with the ordinances relating to license applications, and shall contain the name of the applicant, the location of the proposed park, and the number of trailers to be accommodated.
- C. *Plat or sketch required.* Each such application shall be accompanied by a plat or sketch showing the size and location of all buildings and structures.
- D. *Fees.* The annual fee for such licenses shall be \$250.00, plus \$50.00 for each trailer coach over five for which accommodations exist. If the number is increased, this shall be reported to the village clerk, and the additional fee, if any, necessitated by such increase shall be paid before the additional spaces are put to use. When a license is applied for, or accommodations are increased during the license year, the fee shall be prorated on the basis of the number of months remaining in the year.

(1982 Code § 15-12)

Sec. 10-5-3. - Issuance restriction.

No such license shall be issued to any but a person of good character, nor to any corporation if any

officer thereof is not a person of good character.

(1982 Code § 15-12)

Sec. 10-5-4. - Requirements and restrictions.

- A. *Park manager.* It shall be unlawful to hire or keep as a manager, superintendent or person in charge of a trailer coach park, any person who is not a person of good character, or any person who has been convicted of a felony.
- B. *Attendant or caretaker.* Each trailer coach park, while operated, shall be in the charge of a responsible attendant or caretaker at all times, who shall be responsible, with the licensee, for compliance with the provisions of this chapter relating to the conduct of such parks.
- C. *Park site and trailer space requirements.*
 - 1. Each trailer coach shall be allotted a site of not less than 3,300 square feet.
 - 2. No trailer coach shall be parked closer than 12 feet to the sidelines of a trailer coach park, if the abutting property is improved property, or closer than 20 feet to a public street, alley or building.
 - 3. Each individual trailer site shall abut or face on a driveway or clear unoccupied space of not less than 30 feet in width, which space shall have unobstructed access to a public highway or alley.
 - 4. There shall be an open space of at least 24 feet between the sides of every trailer coach and at least 24 feet between the ends of every trailer coach.
- D. *Water supply.*
 - 1. An adequate supply of pure water for drinking and domestic purposes from the village water supply system shall be supplied to meet the requirements of said trailer coach park.
 - 2. Said water shall be obtained from faucets only, conveniently located in said park.
 - 3. No common drinking cups shall be permitted.
 - 4. A water meter shall be installed in each such park.
- E. *Restroom, bath and shower facilities.* Each trailer coach park shall provide toilets, baths or showers which shall comply with the provisions of the village ordinances relating thereto with separate accommodations for men and women.
- F. *Sanitation; garbage removal.* It shall be the duty of the owner, his agent, or caretaker to provide for the collection and removal of garbage or other waste material and to otherwise maintain the park in a clean and sanitary condition.
- G.

Lighting of grounds. The parks shall be kept properly and adequately lighted at all times so that the grounds shall be safe for occupants and visitors.

(1982 Code § 15-12; amd. 2004 Code)

Sec. 10-5-5. - Habitation of trailers in trailer park only.

It shall be unlawful for any person to maintain any trailer coach, used for human habitation, upon any plot of ground in the village except in a licensed trailer camp.

(1982 Code § 15-12)

Sec. 10-5-6. - Removal of wheels; permit required.

It shall be unlawful for any person to remove the wheels or other transporting device from any trailer coach or otherwise affix said trailer coach permanently to the ground so as to prevent ready removal of such trailer coach, unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be considered as converting the trailer coach into a building and subject to the requirements of the zoning and building ordinances, now existing or as may hereafter be adopted by the village.

(1982 Code § 15-12)

Sec. 10-5-7. - Compliance with single-family residence requirements.

It shall be unlawful to occupy for sleeping or other residence purposes any trailer coach which has been rendered immobile by the removal of wheels, or placing the same on a foundation, or on the ground, unless such trailer coach is in compliance with construction, wiring, plumbing, sewer facilities and other regulations applicable to single-family dwellings.

(1982 Code § 15-12)

Sec. 10-5-8. - Storage of trailers.

Nothing in this chapter shall be construed to prohibit the storage of any trailer coach for any length of time when said trailer coach is not used for living or sleeping purposes, nor affect any existing trailer coaches now located within the limits of the village, except that no transfers shall be hereinafter made by the present owners without complying with the terms of this chapter.

(1982 Code § 15-12)

Sec. 10-5-9. - House trailers; use restriction.

- A. *Definition.* For the purpose of interpreting this section, the term "house trailer" shall be defined as any structure or enclosure of any kind, mounted upon wheels or designed for mounting upon wheels, capable of being transported or moved from place to place, either by its own power or by some vehicle or other device attached to it, usable for living or sleeping purposes.
- B. *Use restricted.*
1. No house trailer shall be maintained, kept, placed or used for sleeping or living quarters, or for any other purpose other than that of storage, in any part or portion, lot or block of the residential area of the village, nor in any part or portion, lot or block of the business section of the village, for a period longer than 48 hours, except by special permission of the village board.
 2. It is intended hereby to so prohibit the presence of house trailers in any part or portion of the area within the village limits, except as hereinafter provided.
- C. *Special temporary use permit.* The village board may, in cases of undue hardships, and on due showing being made by application, grant a special permit to the property owner and trailer occupant to keep and maintain a house trailer within the limits of the village, to be used for sleeping purposes only, and not for general living purposes, and for a period not to exceed 60 days. No bath, wash basin, sink, toilet facilities or cooking stoves shall be used at any time in any trailer so permitted to be used in said residential area.
- D. *Removal of wheels.* It shall be unlawful for a person to remove the wheels or other transporting device from any house trailer or otherwise to affix said trailer permanently to the ground within the village limits.

(1982 Code § 15-16)

Sec. 10-5-10. - Penalty.

Any person, firm or corporation violating any provisions of this chapter shall be fined not less than \$50.00 nor more than \$750.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1982 Code § 15-12; amd. Ord. 1996-01, 1-2-1996; 2004 Code)

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
<p>Notes:</p> <p>¹ Ten-foot (10') maximum penetration of front yard.</p> <p>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.</p>			

- 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)

Sec. 11-9-3. - Additional parking regulations.

A. *Use of parking facilities.*

1. Off-street parking facilities accessory to residential uses and developed in any residential district in accordance with requirements of this title shall be used solely for the parking of passenger vehicles (vehicles designated as Class B - 8,000 pounds' gross vehicle weight, and vehicles designated as Class D - 8,001 pounds' to 12,000 pounds' gross vehicle weight) according to Illinois vehicle registration, and passenger vehicle/trailer combination with length not to exceed 25 feet. Such parking facilities shall be used for the parking of permitted vehicles by the occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants.
2. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors or customers of business or manufacturing establishments.
3. Parking of recreational vehicles and trailers as defined in section 7-4-3 of this Code:
 - a. For the purposes of this section, recreational vehicles shall include snowmobiles as defined in 625 ILCS 40/1-2.15, boats and other watercraft as defined in 625 ILCS 45/1-2 and all-terrain vehicles as defined in 625 ILCS 5/1-101.8.
 - b. No recreational vehicle or trailer shall be parked or stored on property in any zoning district if that recreational vehicle or trailer is not located in a fully enclosed permanent structure, except that any recreational vehicle not located in a fully enclosed structure may be parked in the side or rear of a residential lot provided they are located at least five feet from the property line.
 - c. Recreational vehicles and trailers may only be parked or stored upon an approved surface as identified herein.
 - (1) Terms.
 - (A) Approved surface. Approved surfaces include:
 - (i) Concrete—four inches minimum of concrete over a four-inch compacted gravel base.
 - (ii) Asphalt—two inches minimum over six-inch compacted base.
 - (iii) Paving bricks, cobblestone, or bricks designed for motor vehicle traffic, installed in accordance with manufacturer's installation instructions for the expected load.
 - (B) Non-approved surfaces. Non-approved surfaces include: stone, crushed stone,

gravel, or any other stone product, tar and chip, mulch or any other such loose material.

- (2) With special use permit. When parking surface is over 2,000 square feet, property owner may use semi-permeable pavers designed for motor vehicle traffic. Property owner must submit manufacturer's installation instructions, as well as drainage plans. Property owner must further obtain a special use permit in accordance with section 11-11-8 of this title.
- d. Parking of recreational vehicles or trailers for the purpose of loading and unloading shall be permitted in the front driveway. Any recreational vehicle or trailer shall not be parked for more than seven consecutive days in a driveway in any zoning district.
- e. All recreational vehicles and trailers which require proper licensing, must have current registration displayed on the recreational vehicle or trailer.
- f. No recreational vehicle or trailer shall be parked on private property in a manner which impairs the safety of pedestrian or vehicular traffic such as by obstructing visibility impairing the safe entry and exit from a vehicle impacting adjacent properties, or threatening the safety of pedestrians or vehicles in the public rights-of-way or on private property.
- g. No recreational vehicles or trailers exceeding 30 feet in length may be parked in a driveway and no recreational vehicle or trailer may impede traffic on the sidewalk.
- h. Notwithstanding the regulations imposed by this section, the following existing storage location areas for recreational vehicles shall be permitted to continue in their existing form:

572 Elizabeth Street

Discontinuation of use for the purpose of storing recreational vehicles in these locations for a period of six months shall extinguish any further right to use such location for storage of recreational vehicles as defined by this section.

4. Vehicles which are no longer in use or operational shall not be parked in any yards accessory to a residential use and must be stored in closed garages.
 5. No motor vehicle repair work or sale of gasoline and motor oil of any kind shall be permitted in parking lots.
- B. *Joint parking facilities.* Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for

each.

- C. *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Residential lots shall have a minimum driveway width of nine feet except in the case of lots having two car garages in which case the driveway shall have a minimum width of 18 feet. All driveways shall extend to the curb cut and shall not exceed a width of 24 feet for residential areas.
- D. *Location in yards.* Off-street parking spaces may be located in any yard except required front yards, and required corner side yards, but shall not be closer than five feet to the lot line except that for a single-family dwelling if one of the required parking spaces is provided within a garage, the other required parking space may be located in the garage access driveway and may intrude onto a required front yard, provided further, that if no garage exists on the lot and if rear or side yard parking is unavailable or inaccessible, no more than two parking spaces located side by side in a paved area not exceeding 16 feet in width are permitted in a required front yard or corner side yard.
- E. *Wheel guards.* Parking spaces shall be provided with wheel guards or bumper guards where necessary so that no part of parked vehicles will extend beyond the property line or encroach upon an adjacent sidewalk.
- F. *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from the residential properties in such a way as not to create a nuisance.
- G. *Striping.* Striping of the pavement surface to define each parking space is required for lots having three or more spaces and shall be a minimum of four inches in width for the length of each space.
- H. *Screening and landscaping.* Parking lots of four parking spaces or more shall be screened and/or landscaped in accordance with the following requirements:
 - 1. *Setback areas.* Landscaping in required front yards and the ten foot corner side yard setback shall consist of a minimum of a three foot high barrier using berms, shrubs and trees distributed across at least 80 percent of the entire front yard and setback areas excluding driveways, provided that no trees, berms or shrubs over 30 inches in height shall be located within the sight distance triangle at street intersections as required for fences in chapter 2 of this title or within ten feet of the corner formed by the intersection of the edge of a driveway and a right-of-way line.
 - 2. *Buffer yards.* Parking areas shall be effectively screened on each side or rear yard

adjoining any property in a residential district or any institutional premises by a wall, solid fence or densely planted compact hedge not less than five feet nor more than seven feet in height.

3. *Interior landscape areas.* In all parking facilities open to the sky having a paved area greater than 10,000 square feet, a minimum of five percent of such area shall be landscaped to create visual relief. This landscaping shall be required in addition to any other landscaping required under this title. Interior landscaped areas shall be a minimum of 150 square feet each distributed throughout the parking lot in a design satisfactory to the planning and zoning commission. Each area must contain at least 50 percent live ground cover and at least one tree with a minimum diameter of two inches or shrub cluster as approved by the planning and zoning code official.

I. *Schedule of parking requirements.* For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on a per employee basis shall be based on the maximum number of employees on duty on the premises at any one time.

SCHEDULE OF PARKING REQUIREMENTS	
Use	Number Of Parking Spaces Required
Assembly	1 per 300 gross square feet
Dwelling units	4 per dwelling unit (2 covered and 2 uncovered), more than 10 adjoining dwellings shall require 5 parking spaces per dwelling unit
Hotels/motels	1 per guestroom plus 1 per 500 square feet of common area
Industrial	1 per 500 gross square feet
Medical office	1 per 200 gross square feet
Office	1 per 300 gross square feet
Restaurant	1 per 100 gross square feet

Retail	1 per 200 gross square feet
Schools	1 per 3.5 seats in assembly rooms plus 1 per 500 square feet of common area
Warehouse	1 per 1,000 gross square feet

(Ord. 2014-13, 7-1-2014; amd. Ord. 2017-09, 8-1-2017; Ord. 2019-02, 2-5-2019; Ord. 2021-15, 11-9-2021)



Village of Maple Park

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**PUBLIC HEARING for PZC 2023-01 (Special Use Permit)
and PZC 2023-2 (Variation Request)
by BAP Power Corporation d/b/a Cenergy**

**Wednesday, May 17, 2023
7:00 p.m.
Maple Park Civic Center**

Chairperson Kimberly Sutherland opened the Public Hearing at 7:02 pm. Present on behalf of the Planning and Zoning Commission were Commissioners Kimberly Sutherland, Kyle Foster, Russell Kubis, Catherine Mathews, Pat Lundardon, and Christian Rebone.

Chair Sutherland questioned if there were any record of correspondence or citizen forms. None were received.

Applicant's representatives Stephen Barrett and Chad Chahbazi presented a request for a Special Use permit to operate a solar farm at the northeast corner of Pritchard and Maple Park Roads, PIN 09-25-300-13 on behalf of BAP Energy Corporation d/b/a Cenergy ("Applicant"). Applicant also is seeking a variation from Section 11-14-6(b) of the Village Code to reduce setbacks from 100 feet to 50 feet. Applicant gave a brief overview of Cenergy and discussed the Corporation's mission. They reported Cenergy had begun business in 2007 and had already installed 350 projects across 14 states including 6 in the state of Illinois. They reviewed the benefits to communities that allowed similar projects.

From a diagram they reviewed a successful project done in Pontiac, Illinois. They testified that this project had produced other, similar projects. Mr. Barrett and Mr. Chahbazi discussed the specific nuts and bolts of the project created for Maple Park. The project would be located on approximately 25.4 acres of land leased from a private owner. Cenergy would develop a 4.98 MW AC ground mounted solar project. They reviewed how their solar panels moved slowly with low noise and were becoming the best way to generate electricity. They stated that Cenergy had developed a good relationship with the Maple Park Village and the State. If approved and moved forward, the estimated notice to proceed would be given in about one year. They reported that most of the products used for construction were developed in the United States and of U.S. content. Noting the project would use non-toxic industrial components such as glass, steel, a polysilicon raw ingredient and sand, they highlighted that a decommissioning plan would be provided pursuant to the Village Zoning Ordinance.

The presenters reported Cenergy would lease the 25.4 acres from a private owner and separately Cenergy would purchase 5 acres of adjacent land that would be donated

to the Village. The intent of the donated land could potentially be used for the future expansion of Maple Park's Water Treatment Plant. This proposed donation was intended to facilitate partnership with the Village but the presenters indicated that such a land donation was a common part of Cenergy's packages for similar communities.

The tax payment flow benefits were reported and the presenters stated that \$5-7,000 dollars per megawatt of property tax revenue would be billed to the developer Cenergy directly. These tax revenue dollars would go to DeKalb County, as well as filtering down to the local Village and School District.

In addition to the land donation, the presenters reported that \$80 to 100K would be directly donated as part of the standard package referenced. These funds would be dispersed in two installments, first in the beginning prior to construction and the 2nd dispersal would be made once the project was operating. They indicated that generally municipalities are free to use these donated funds as they see fit to benefit the local community.

The presenters reported the construction time would be approximately six months and the project would employ local labor. They discussed the monitoring of the project's performance thereafter, and noted that four times a year the site would be visited and maintained. Further discussion ensued regarding the energy savings obtainable for the purchasers of power and who would be eligible for these discounts and savings.

The presenters reviewed the project's site specs. They reported the project site would be enclosed by a 7-foot fence and landscaped from the west to the south side. A short 12-foot-wide access gravel road would be installed for necessary limited access to the project. Also included for the project would be a battery unit for onsite storage. The battery's size and safety were discussed and how it was used to stabilize the grid.

The presenters identified the project's location in proximity to the Village's Water Treatment plant, and a nearby Com Ed substation. They stated that they felt it was perfect from a planning standpoint. They reported no residential subdivision was within a ½ mile radius of the proposed project and that they felt impact on neighbors would be minimal.

Commissioner Lunardon questioned if the energy would be sold to ComEd. Mr. Chahbazi responded the power would be sold to the residents and confirmed ComEd would administer the program. He explained the power was uploaded and ComEd had a program for users to subscribe. Commissioner Lunardon inquired about the battery unit, its safety, and training for Maple Park's Fire Department. Mr. Chahbazi responded the unit was contained in air coolers and most fire departments were trained. He noted it was all fire code approved and if needed they would accept as a condition of approval that local fire department training would be included. Commissioner Lunardon asked about the location of the property proposed to be donated to the Village, and the creek on the parcel. Applicants responded that they would not be engineering the project. Commissioner Lunardon questioned the

movement of the panels and the noise level. The Applicants confirmed the panels moved from east to west and reset right before sun down, and stated that the movement involved limited noise.

Commissioner Rebone questioned how many subscribers would be allowed to get the discount referenced, and if it would be available also to people outside of Maple Park. The presenters responded that around 400 subscribers would benefit and that anyone including subscribers outside Maple Park could subscribe for these benefits. Commissioner Rebone asked if Maple Park residents and the wastewater treatment plant would receive priority. The presenters responded that the wastewater treatment plant would potentially utilize 40 percent of the project's power and Maple Park residents could possibly receive priority, but did not elaborate further. Commissioner Rebone questioned how else the project would benefit the Maple Park Community. The presenters stated that the \$80-100K donation could be used for anything the Village choose. They affirmed this would involve a straight donation from Cenergy and this practice had been done consistently for all of their projects.

Commissioner Kubis questioned the distance from the project in relation to residents and their homes. Commissioner Kubis reported there is not a subdivision, but there are homes closer than ½ mile. He asked about feedback from other homeowners that neighbored these projects and whether there were any complaints. Applicant responded they were aware of no complaints from neighboring landowners at any of their projects. They added they could do an outreach program for more feedback if desired, regarding the key potential issues of noise and visual impact. Applicant reported the inverters used are very quiet and landscaping would improve the visual effects. They stated that landscaping would help adjust from the agriculture presence the property currently has. Commissioner Kubis questioned the reason for the 50-foot setback reduction. Applicant responded that the variation would be required due to the configuration of the land donation to the Village.

The presenters acknowledged the only land purchased would be the 5 acres for the Village, and reiterated that this was a common practice which they intended to undertake. Concern about land value depreciation after the lease was up was expressed, and the presenters' response was that they believed there would be no depreciation. Commissioner Lunardon asked about the taxes and who would be paying. The presenters confirmed the estimated \$25K to 30K dollars in taxes per year would be paid by Cenergy and then allocated to the state, county, village and school districts.

Applicant's representatives fielded questions about how hot the panels would be to the touch and how often the property would be maintained, and whether other projects had residents living in close proximity to the solar farm. Applicant's representatives responded that the temperature of the panels varied by time of day, that the property would be regularly maintained, and that they were aware of homes in proximity to other sites. Applicant's representatives were asked about landscaping and what pesticides would be used. They responded that an operations and maintenance team would address these issues. They were questioned regarding the lack of hazardous materials identified in the paperwork submitted, and materials in

the project's battery storage. Applicant responded that they felt the batteries would be similar in nature to phone batteries or Tesla batteries, but with improvements. The batteries would be air cooled.

Applicant was asked about specific benefits for Maple Park residents and any guarantees that the Village's wastewater treatment plant would use power generated by the solar farm. Applicant clarified that they felt that the Village would benefit from the proposed donations but declined to guarantee priority service to Maple Park residents or the Village's WWTP.

Applicant stated, in response to further questions, that they had not had complaints about the nature of the solar farm use from other projects where homes were located nearby. They stated that the noise from the operation generally does not extend past the property boundary. A question was asked about providing a privacy barrier fence to mitigate sight concerns, and Applicant responded that they could consider providing a slatted fence if desired, but doing so would impair the landscaping.

Brent Miller, 19766 Pritchard Road, Maple Park spoke in opposition to the proposed special use. He stated he has seen similar projects in our area and they were not maintained properly. He reported if the property was not sprayed for rag weed the rag weed would grow 5 feet high. Mr. Miller reported he was a volunteer fire fighter for Chicago and Maple Park. He discussed his experience on how to control a chemical fire these batteries would produce. He had seen one in Chicago caused by a Tesla and reported a minimum 5000 gallon tanker truck was needed and the biggest tanker truck available to Maple Park currently was 3500 gallons. He asserted the possibility of future resident growth near the project site and stated that if this occurred, the result of a chemical fire could be catastrophic. Mr. Miller was questioned regarding if he had received any formal training in fighting battery fires. He described limited training and stated that his only knowledge was the need for significant amounts of foam and water to control such a fire if there was an event. Applicant's representatives stated that a refrigerated unit was used to cool the battery. Mr. Miller asked if there would be an onsite back-up generator for the cooling unit. Mr. Miller also expressed his concern over the possibility of drainage tile failure on the site and its impact if that occurred.

Roy Christopher, 19891 Pritchard Road, Maple Park, spoke in opposition to the proposed special use. He stated that, as the closest resident living less than 100 yards away, he raised bees and the bees would be attracted to these panels. He believed that they would die if they were exposed to them. Mr. Christopher relayed his concerns regarding his property depreciation in the future as he reaches retirement, and stated his concerns about how this use would affect his property value. He inquired about the nature of classification of the fire if the batteries caught on fire, and spoke of his concern for the effects on humans and the environment.

Roger Kahl, 315 Green Street, Maple Park, spoke in opposition to the proposed special use. He noted that he has lived in this community for 76 years and he is totally against this project. He expressed his opinion that the solar farm would make the property unsightly.

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Applicant's representatives commented in response to public input that they could consider excluding battery storage from the site if that was a significant issue from the Village's perspective. Applicant reiterated that noise from the panels does not occur at night. Applicant requested approval of the proposed special use and the variation to reduce the setbacks from 100 feet to 50 feet.

Village Engineer Jeremy Lin discussed the need for a drain tile survey and stormwater report in the final plans before approval. He opined that, from an engineering standpoint, a 50-foot setback was workable. He noted as a part of the final approval the Applicant should include a better detail of the fence and landscaping plan. He reviewed the applicant's inclusion of a gravel drive and noted he would be recommending an asphalt drive.

Chairperson Sutherland closed the public hearing at 8:04 p.m.

PLANNING AND ZONING MEETING MINUTES

MAY 17, 2023

1. CALL TO ORDER

Chair Kimberly Sutherland called the meeting to order at 8:10 p.m.

2. ROLL CALL

Village Clerk Caryn Minor called the roll call and the following Commissioners were present: Chair Kimberly Sutherland, Commissioner Foster, Commissioner Rebone, Commissioner Kubis, Commissioner Lunardon and Commissioner Cathy Mathews.

Others present: Village President Suzanne Fahnestock, Village Administrator Cheryl Aldridge, Village Attorney Kevin Buick and Village Clerk Caryn Minor.

3. APPROVAL OF MEETING MINUTES

- Planning & Zoning Minutes – November 9, 2022
- Planning & Zoning Minutes – January 21, 2023

Commissioner Lunardon made a motion to approve the meeting minutes from November 9, 2022 and January 21, 2023 seconded by Commissioner Kubis. Motion carried by a voice vote.

4. PZC Special Use Permit #2023-01 Solar Farm motion

Attorney Buick reviewed the Village Engineer's conditions regarding the proposed special use sought by Cenergy/BAP Corporation for the property at the corner of Pritchard Road and Maple Park Road, PIN 09-25-300-13. The conditions would include the following:

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1. That final engineering plans shall be submitted to the Village staff for approval;
2. That proposed fencing details be submitted to the Village staff for approval;
3. That roadway plans be submitted for Village staff for approval, including provision of interior asphalt roadways if deemed necessary by the Village Engineer;
4. That a storm water report including information regarding drain tile be submitted for review and approval by Village staff prior to building permit issuance;
5. That a landscaping plan be submitted for review and approval by Village staff prior to building permit issuance;
6. That fire training be provided by Applicant;
7. That, alternatively, battery storage be excluded from the site.

Commissioner Kubis made a motion to forward a recommendation of approval regarding the PZC Special Use Permit #2023-01 Solar Farm to the Maple Park Village Board, subject to the conditions enumerated above. Motion seconded by Commissioner Lunardon. On a roll call vote Commissioner Foster, Commissioner Kubis, Commissioner Mathews, Commissioner Lunardon and Chairperson Sutherland voted yes. Commissioner Rebone voted no. Motion carried 5-1.

5. PZC Zoning Variation #2023-02

Planning and Zoning Commission regarding a variation request to reduce the setback distance required by Section 11-14-6(b) of the Village Code to 50 feet rather than 100 feet.

Commissioner Lunardon made a motion to forward a favorable recommendation to grant the PZC Zoning Variation #2023-02, seconded by Commissioner Kubis. On a roll call vote Commissioner Foster and Commissioner Rebone voted no, Commissioner Kubis, Commissioner Matthews, Commissioner Lunardon and Chairperson Sutherland voted yes. Motion carried 4-2.

6. ADJOURNMENT

Commissioner Rebone made a motion to adjourn the meeting, seconded by Commissioner Lunardon. Motion carried by voice vote.

Meeting adjourned at 8:17 p.m.

Respectfully Submitted,

Caryn Minor, Village Clerk