4. Park, Recreational and Playground Exemption - The lot area for parks and playgrounds that are dedicated to the public shall be at least one (1) acre; however, there is no minimum area requirement for private subdivision parks and tot-lots where suitable provisions ensure that such areas will not be used for building sites.

9.8 OTHER USES AND REGULATIONS

Other Uses and Regulations

1. Fallout Shelters - Fallout shelters are permitted as principal or accessory uses and structures in any zone, subject to the yard and lot coverage regulations of the zone. These shelters may contain or be contained in other structures or may be constructed separately. In addition to shelter use, they may be used for any principal or accessory use permitted in the zone, subject to the applicable zone regulations, but shall not be used for principal or accessory uses prohibited expressly, or by implication, in the zone.

2. Swimming Pools - Private swimming pools are permitted in any residential zone provided that no swimming pool or part thereof, including but not limited to aprons, walks and equipment rooms, shall protrude into any required yard. Swimming pools must be fenced or otherwise protected against intrusion. No private swimming pool shall be operated as a business or as a private club.

9.8.3 FENCES WALLS AND HEDGES

3. Fences, Walls, and Hedges - This paragraph is intended to provide for the maximum safety of persons using the sidewalks and streets, and to provide for the maximum enjoyment of the use of property.

A. Definitions

Fence. A free-standing structure resting on or partially buried in the ground and rising above ground level, and used for security or screening. Plantings, shrubbery, hedges or other vegetation, whether used individually or in combination with a free-standing structure so as to provide an effective barrier to vision shall also constitute a fence if its length is more than thirty (30') feet.

Decorative Fence. A fence up to 30 inches in height and no more than 16 feet in length (including both segments if placed perpendicular to each other at a corner), that is intended as a landscape feature and does not provide screening or enclose an area. Shall not include chain link, woven, mesh, or reed style materials.

Height. Height shall be measured from the ground provided, that the grade has not been artificially altered by the installation of a berm, mound, or fill. If the elevation at the point of measurement has been so changed, then the height shall be measured from the elevation of the ground prior to the change.

Open Fence. Any fence which, when viewed from an angle of (90) ninety degrees, is at least 50% open. Examples include split rail fences, chain link fences, wrought iron fences, and picket fences where the gaps are equal to the width of the boards.

Solid Fence. Any fence which, when viewed from an angle of (90) ninety degrees, is less than 50% open. Examples include solid board fences, stockade fences, and board on board fences.

Temporary fence: Construction fencing, silt fences, special event barriers, and material designed specifically for temporary landscape protection.

B. General Requirements

i. The fence shall be constructed on the lot for which the permit has been taken out. The services of a surveyor are recommended for locating fences along property lines.

ii. The finished side of the fence shall face the adjacent lot line or street. The finished side of the fence shall be that side of the fence without support posts, columns, fails, or other structural members.

iii. No fence located in a residential district shall contain any barbed wire (except as noted), electric charge or be designed, constructed, or installed in any way to provide or cause any injury to any person, or if a safety hazard is created.

iv. Barbed wire prohibited. The use of barbed wire, razor wire, electric fencing, or similar products is prohibited, except under the following conditions:

(1) In the CS and LI Zoning Districts, but at a height of not less than 7 feet above ground level, subject to site plan approval as required;
(2) In other districts by variation from the Zoning Board of Appeals if after a public hearing the Board finds that such type of protective barrier is required for the protection of the health, safety and welfare of the residents of the Village of Beach Park.

v. A fence may be constructed on easements granted to the Village, or dedicated for public utilities, provided that the applicant acknowledges in writing that the fence may be removed as needed to facilitate work in the easement and replaced at the owner's expense.

vi. Materials. Fences shall be constructed of wood, wrought iron (including aluminum with a similar appearance), chain link, or coated chain link. Masonry walls shall be finished brick and stone products and not concrete block. Privacy inserts in chain link fences are not permitted except as may be approved for screening on non-residential developments. Fences shall have a general uniform appearance, though decorative masonry posts are permitted. The appearance of the fence shall be consistent with primary structure on the property and the visual character of the area.

vii. Double fencing. The placement of a fence parallel to and within 42" of an existing fence on an adjacent property is prohibited. The area between fences must be accessible for maintenance. Back-to-back fences less than 42" apart may be permitted at the discretion of the Zoning Administrator when there is a demonstrated need for security, safety, or privacy that is not met by the existing fence.

viii. Exempt fences. Decorative fencing and temporary fencing (as defined), are exempt from permit requirements.

C. Location and Maximum Height of Fences (See Illustrations in Figure 9.8.3, below)

i. Front yard. Open fences up to four feet (4.0') in height are permitted within the required front yard. If the house has a setback greater than the minimum required, the fence cannot exceed four feet (4.0') in height between the front wall of the house and the street.

ii. Side yard. Open and solid fences up to six feet (6.0') in height are permitted along portions of the side lot lines beyond the required front yard.

iii. Street side yard. Open fences up to four feet (4.0') in height are permitted in the street side yard. An open or solid fence up to six feet (6.0') in height may be permitted with a setback of ten feet (10.0'). Fencing along an unimproved right-of-way may only exceed

four feet (4.0') in height if the Village determines that the street is not anticipated to be constructed.

iv. Through lot. The fence height on the street frontage that does not contain the primary access is limited to four feet (4.0') unless one of the exceptions below applies.

v. Fence height exceptions. The zoning administrator may issue a permit for a fence with a height that does not comply with the standard requirements above if the following conditions occur:

(1) Along a railroad right-of-way. A fence up to eight feet (8.0') in height may be permitted.
(2) Through-lot or corner lot on arterial road. A residential property with primary access from a local or collector road may be permitted a fence up to six feet (6.0') in height for the side yard or rear yard along an arterial road.
(3) Incompatible land uses. A fence up to eight feet (8.0') in height may be permitted on either side of a shared lot line separating a residential property from any business or industrial district or from any property being used for a non-conforming use which is permitted in only a business or industrial district.
(4) As part of site plan requiring approval by the Plan Commission or Village Board.
(5) In conjunction with a variation granted in accordance with Section 12.8.3, Subsection 2, allowing a reduction of the minimum front, side, or rear yard requirements applicable to fences.

vi. Gated driveways. Driveway gates, when permitted, shall be located a minimum of twenty feet (20.0') from the right-of-way line unless there is an approved parking/standing area that would allow safe travel on the roadway.

vii. Vision triangles. Fences, walls, and landscape material in excess of four feet (4.0') in height shall be prohibited with vision triangles.

a. Vision triangle: the triangular area created by drawing a line connecting two points thirty feet (30.0') from the intersecting property lines at a street intersection, commercial driveway and street, or multi-family property driveway and street.
b. Residential driveway vision triangle: the triangular area created by drawing a line connecting two points ten feet (10.0') from the intersection of the driveway for a 1-2 family home and property line.
c. Nothing in this section shall preclude the enforcement of vegetation overhanging the right-of-way line declared a public nuisance.

D. Duty of the Building Inspector; Fence Nuisances

i. It is made the duty of the Building Inspector to exercise supervision over all fences erected, altered, constructed or maintained. Whenever a violation of this Chapter or of any other ordinance of the Village of Beach Park is observed, he or she shall provide notice in accordance with the provisions of the municipal code to correct said violation. Any and all fences erected, installed or maintained in violation of the municipal code, , or the County of Lake, or the State of Illinois are hereby declared to be a public nuisance and subject to treatment and abatement as such.

ii. Nuisance conditions include:
1. General disrepair as described in the property maintenance code and nuisance ordinance;
2. Unsafe conditions, such as broken boards, exposed nails and unsecure panels that may cause damage or injury;
3. Fences (an accessory structure) erected without a principal structure, including those that remain following the demolition of the principal structure;
4. Temporary fencing remaining more than thirty (30) days beyond its intended use.

5. Fences erected in violation of the provisions of the zoning ordinance, or erected to facilitate a violation of the zoning ordinance (such as screening of outdoor storage in a location where such a land use is prohibited). (Ordinance 2022-O-1)

4. Tents - No tent shall be used, erected, or maintained as living quarters. Tents used in commercial or industrial zones or tents used for camping purposes wherever permitted shall be of a temporary nature.

5. Commercial Vehicles in Residential Zones – No owner of property zoned residential, ESTATE (E), SUBURBAN ESTATE (SE), SUBURBAN RESIDENTIAL (SR), SINGLE FAMILY RESIDENTIAL (R-1), SINGLE FAMILY RESIDENTIAL (R-2), SINGLE FAMILY RESIDENTIAL (R-3A), TWO FAMILY RESIDENTIAL (R-3B), MULTIPLE FAMILY RESIDENTIAL (R-3C), MULTIPLE FAMILY RESIDENTIAL (R-3D), shall cause, permit, or allow to continue the parking or storage of trucks, commercial vehicles, or other commercial equipment on such property, except when obscured from view within a fully enclosed garage or other permitted structure. Only one (1) small pick-up truck, van, or sport utility vehicle of any size typically associated with residentially generated transportation needs and bearing commercial advertising or other information (such as company names, logos, phone numbers, and similar information) may be parked or stored outdoors in a residential zoning district.

   No commercial contractor's equipment shall be parked or stored on a residentially zoned lot. This prohibition also includes such equipment owned by the owners or residents of the property in question.

   Normal delivery or service vehicles making a short term visit to a residence are exempt from the provisions herein.

   No part of a truck, commercial vehicle, or any commercial equipment may extend, hang over, or encroach a public right-of-way. (Ord. 2000-O-14)

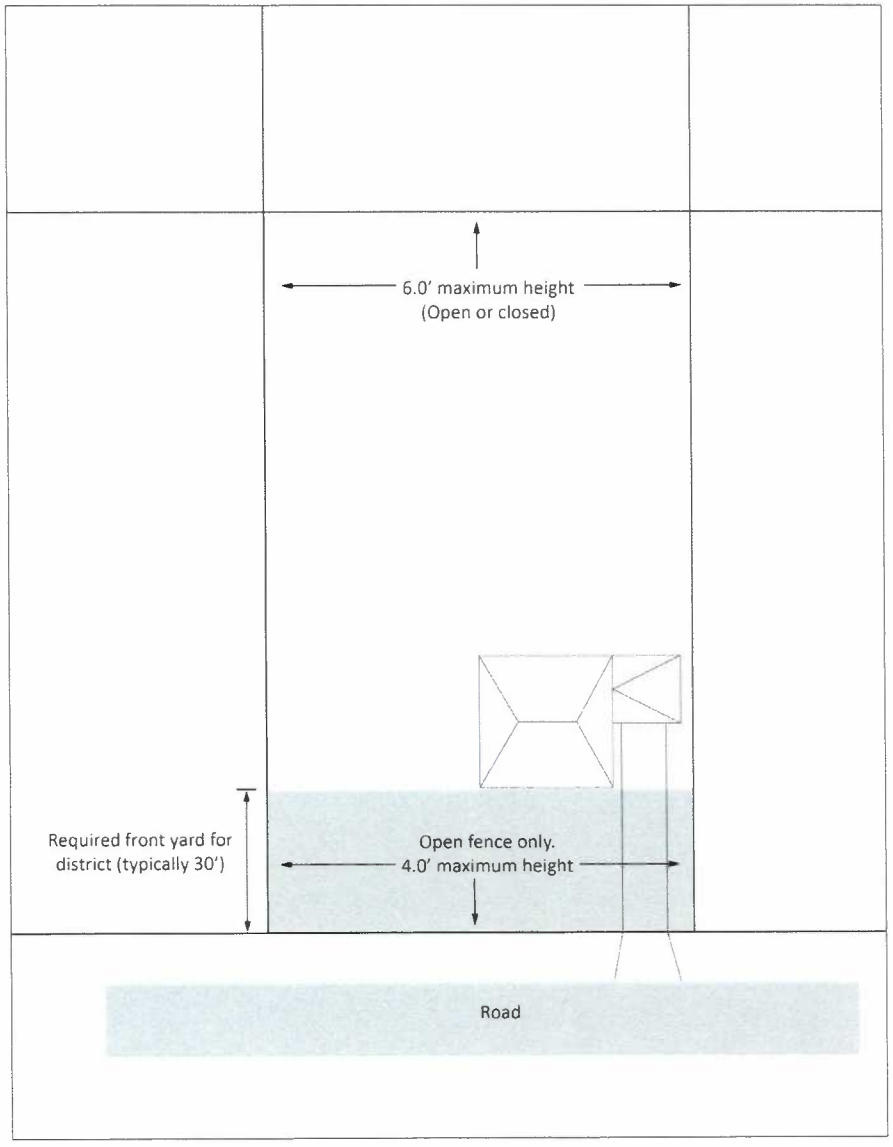

Figure 1: Typical lot

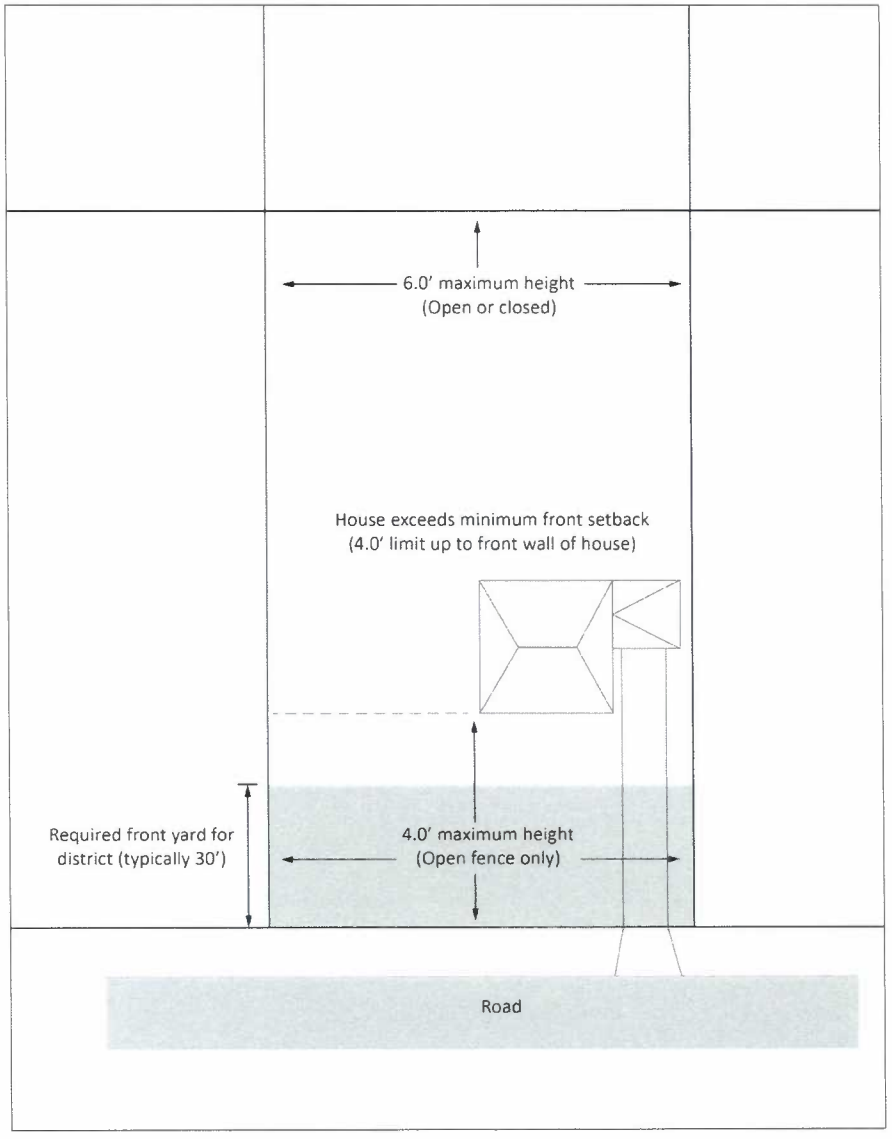

Figure 2: Front setback of home exceeds minimum required for zoning district

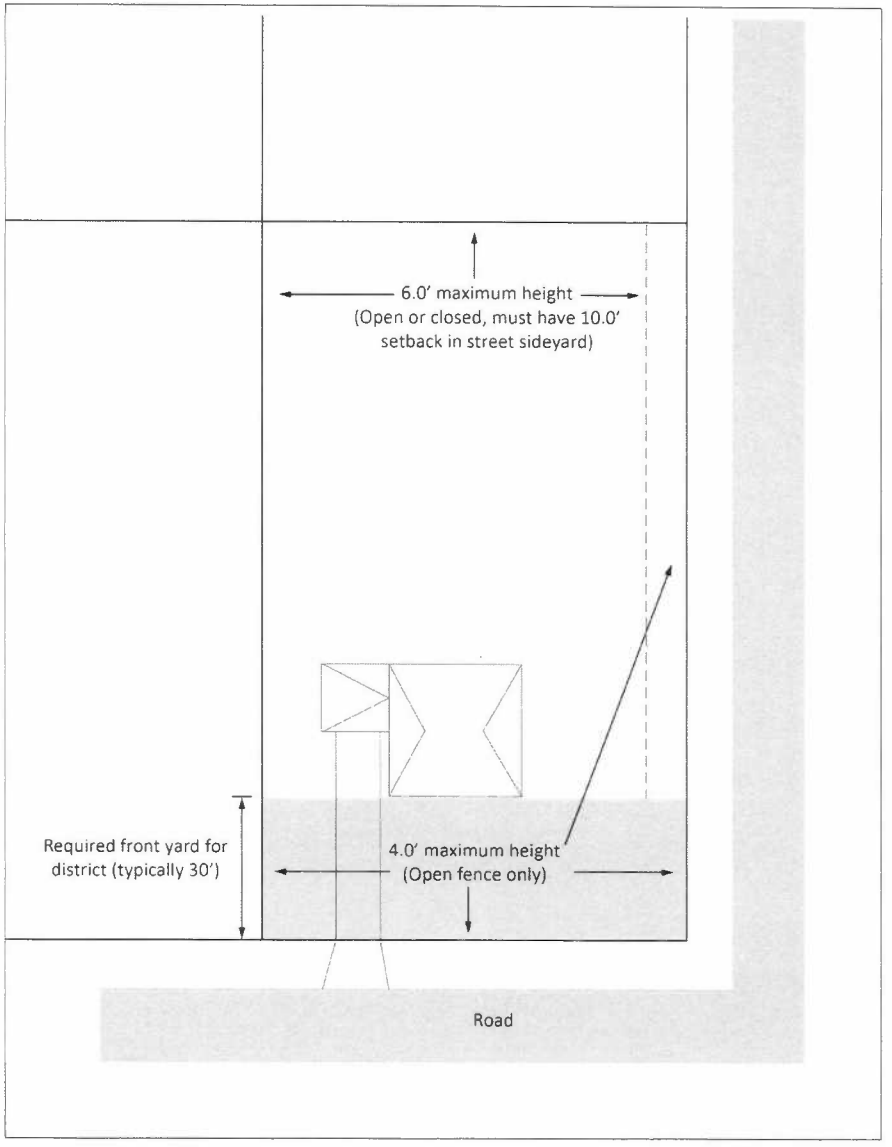

Figure 3: Corner lot

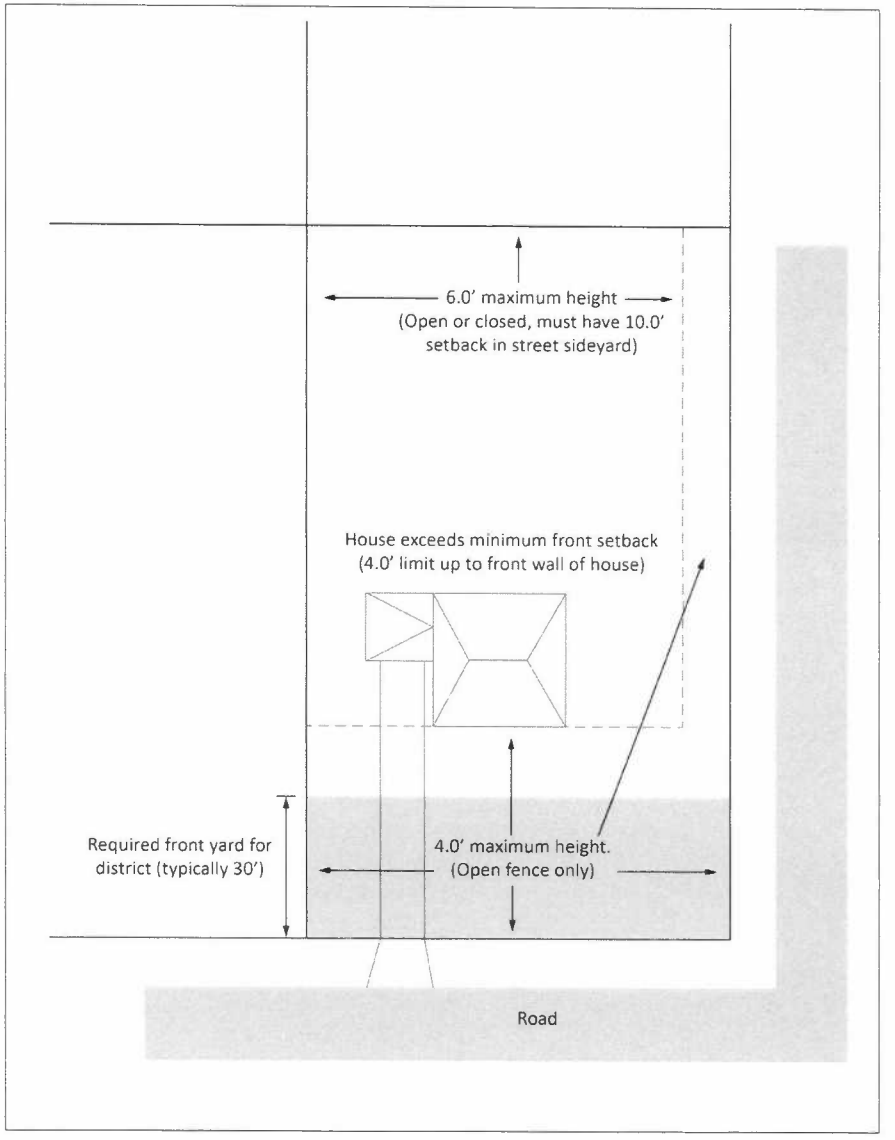

Figure 4: Corner lot, front setback of home exceeds minimum

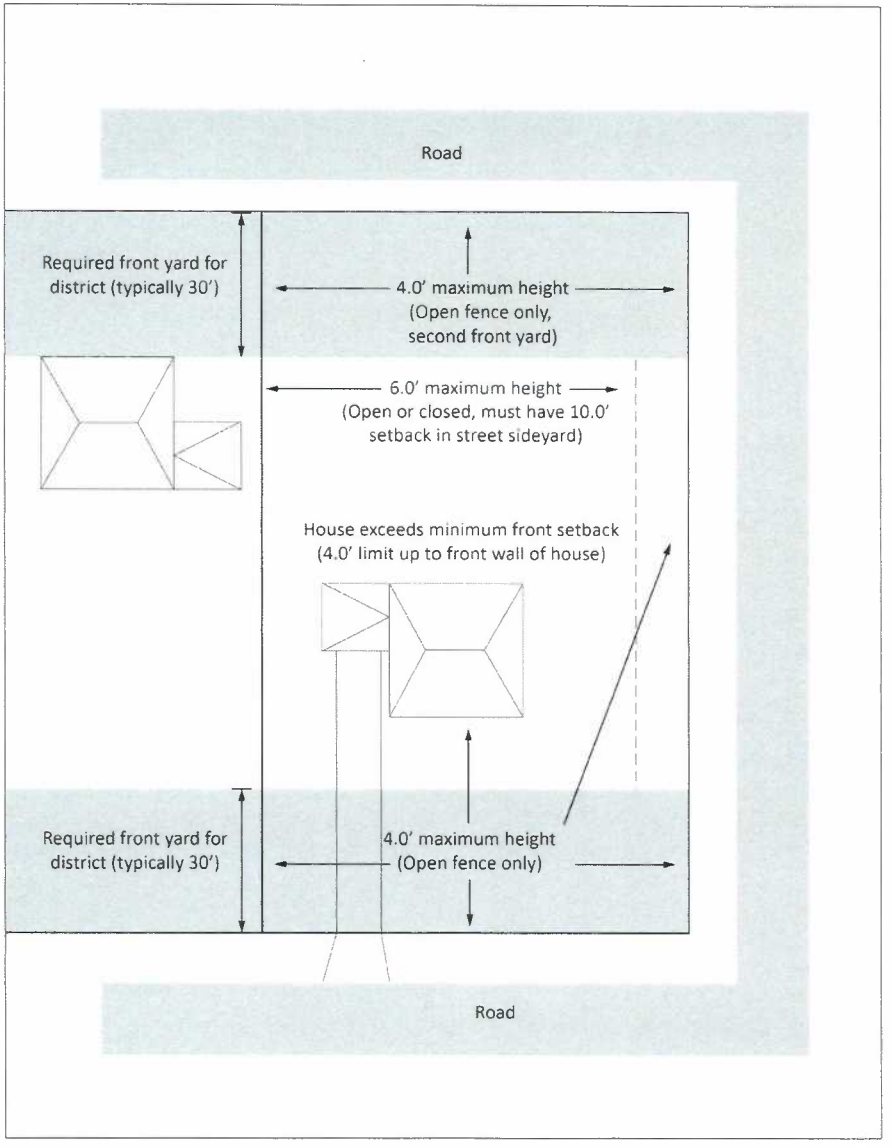

Figure 5: Through lot regulations

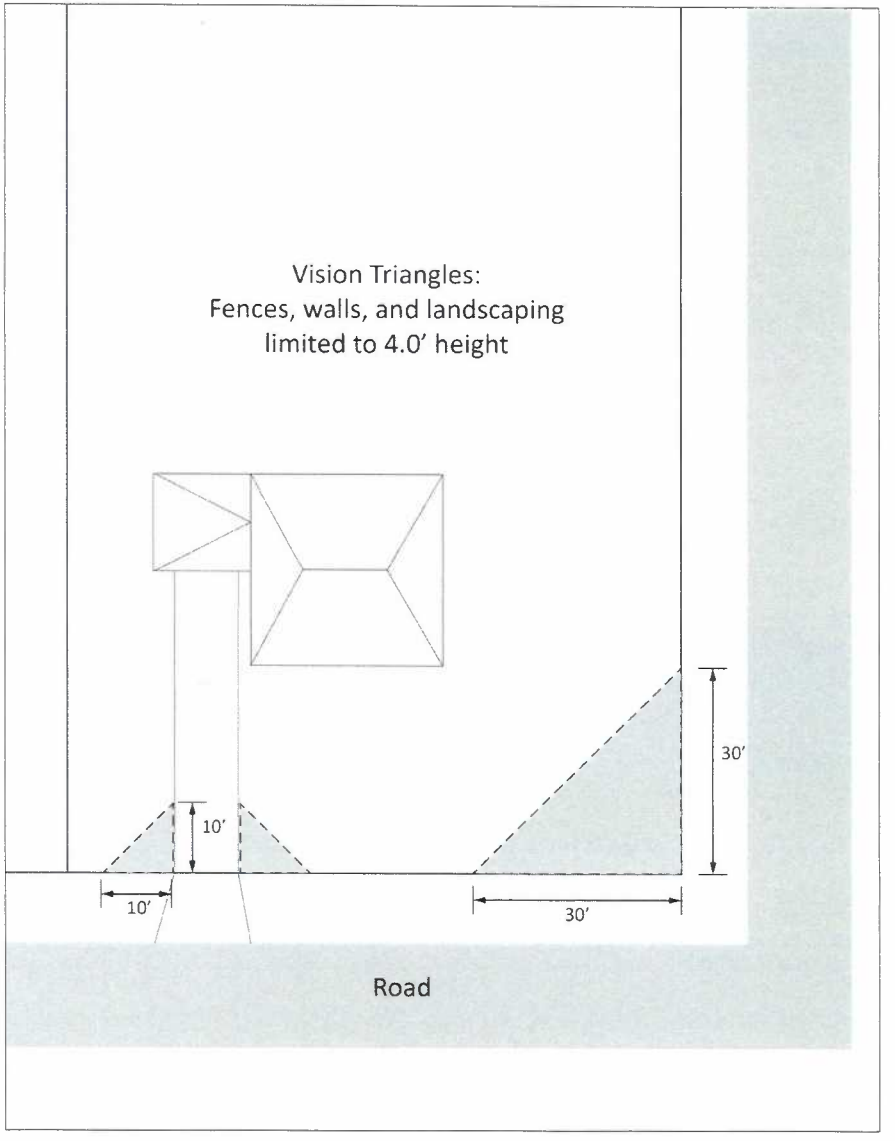

Figure 6: Vision triangle illustration