

CHAPTER 15

FENCES AND SCREENS

SECTION

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6-15-1: INTENT AND PURPOSE: No fence or screen other than a temporary fence for tree preservation or construction protection as required by the Village Forester shall be erected, placed or altered on a lot unless approved by the Department of Community Development and a building permit has been issued for the same.

6-15-2: GENERAL REQUIREMENTS:

A. Appearance

1. Color: All fences and screens shall be of a color which blends with the natural surroundings or is complimentary to a color used in the primary structure on the lot. All metallic fences permitted by the provisions of this Chapter shall be a pre-finished white, black, dark brown or dark green color.
2. Height: Vertical elements of fences shall be no more than the permitted fence height. Fences shall be placed as close as practical to the existing grade. In no event shall the overall standing fence height, including posts, as measured from the existing grade be greater than four inches (4") above the regularly permitted fence height at any point. (Amd. Ord. 94-1327-11)

Fences shall not be placed on constructed earthen berms or mounds unless the Village Board has granted a variation to the fence height requirements. (Amd. Ord. 94-1327-11)

3. Materials: All fences shall be constructed of a non-metallic material and must be of the open type with a finished side facing outward, unless otherwise specified in the provisions of this title. Solid fencing shall be allowed for that portion of a yard fence

which abuts a non-residential land use, arterial roadway, (Riverwoods Road, Half Day Road, Olde Half Day Road and Milwaukee Avenue only), other incompatible land uses or for screening ground mounted equipment, refuse and recycling areas or privacy screens as approved by the Department of Community Development. Barbed wire, above ground electrified, uncoated or painted metallic and slatted chain link fences are prohibited. (Amd. Ord. 94-1327-11)

B. Location

No fence shall be located in any required front yard setback area which is adjacent to a public right-of-way. No fence shall be located in any required corner side yard setback which may cause a traffic hazard. Any owner desiring to locate a fence in, over, upon or across an easement shall be required to submit a waiver on a form supplied by the Village of Lincolnshire. (Amd. Ord. 94-1327-11)

6-15-3: CONSTRUCTION REQUIREMENTS: All fences and screens shall be constructed of materials and in a manner which meet or exceed the requirements of all adopted codes. Fence posts shall be a decay or corrosion resistant material and shall be embedded into tamped earth or concrete, to a depth which will assure structural stability.

6-15-4: PERMITS, VARIATIONS AND EXCEPTIONS

A. Permit Applications: Application for a fence or screen permit shall be on a form designated by the Village and shall be accompanied by the following information:

1. A completed building permit application.
2. Three (3) copies of an accurate plat of survey which indicates the proposed location of such fence or screen and any other structures and paved surfaces on the lot.
3. Three (3) copies of a section/elevation which indicates the depth of the posts, total height, material and method of attachment for the fence.
4. A Landscape Plan must be submitted for review and approval with all applications for a fence or screen except for yard fences which are four feet (4') or less in height or any residential fence located along a property line which immediately abuts a public-right-of-way. The Landscape Plan shall indicate: (Amend Ord. 05-1979-43, eff. 7/11/05)

- a. the location, size and type of any existing and proposed plant material that will obscure said fence or screen from neighbor's views, adjacent properties and public way(s) and
 - b. that the plant material will provide visual relief throughout the year. A letter from the property owner or a signed contract must be submitted with all Landscape Plans which indicates the date the required plant material will be installed.
5. An approved easement waiver on a form provided by the Village is required when any improvement defined in this Chapter is to be erected in, over or upon an easement. The letter will be recorded with the Lake County Recorder of Deeds by the Village; and
 6. Any additional information as requested by the Village.
- B. Variations and Exceptions: The Village Board may authorize a variation for a different height, length, material, location or color of a fence, wall or screen if substantial proof of practical difficulties or particular hardships in carrying out the strict letter of any provisions of this Chapter is provided by the petitioner in the manner required for other variations of the Village's Zoning Code as listed in Chapter 14 of the Title. Any fence or screen for which a building permit has been legally issued prior to the effective date of this Chapter as required by law may be maintained or repaired provided the cost of the improvement is less than fifty percent (50%) of the cost of erecting a new fence or screen. If the cost of improvement is fifty-one percent (51%) of the cost of erecting a new fence or screen, the provisions of this Chapter must be met when such fence or screen is repaired or maintained. All other persons to whom a permit is issued after the effective date of this Ordinance must follow its provisions.

6-15-5: SPECIFIC REQUIREMENTS

A. Fences:

1. Dog Run Fences:

- a. Location: A dog run is defined as an enclosed area for the temporary containment of a dog or dogs. Dog runs are prohibited in any required yard setback area and may not extend beyond any facade of the primary structure facing, or be visible from a public way. Only one such structure shall be permitted on each zoning lot.

- b. Height and Size: Dog run fences shall be permitted up to six feet (6') in height and up to 250 square feet in area.
- c. Materials: Dog run fences may be constructed of metallic material. Chain link fencing may be used provided it is a minimum of eleven gauge wire with a mesh size of no more than one and a half inches (1-1/2")

2. Swimming Pool Fences:

- a. Location: All swimming pools shall be completely enclosed by a fence, or by a fence and a wall of the primary structure on the lot. The distance between the edge of the swimming pool and the fence shall be a minimum of five feet (5') but may exceed that distance if all other provisions of this Code are met. Swimming pool fences shall not be permitted within any required yard setback area except as provided below:
 - (i) The fence may not be chain link.
 - (ii) Plant material must be provided on the outside of the fence to obscure the view of the fence from adjacent properties and public ways.
 - (iii) If the pool is removed, the fence must be removed or brought into compliance with the yard fence regulation.
- b. Height: Swimming pool fences shall be a minimum of five feet (5') and a maximum of six feet (6') in height.
- c. Materials: Swimming pool fences may be constructed of a metallic material and shall be constructed of the open type and in accordance with the following additional requirements to insure the safety of the general public.
 - (i) Horizontal members other than a top or bottom rail shall not be permitted.
 - (ii) Swimming pool fences shall be a minimum of eleven gauge wire with a tightly knit mesh size of no more than one and a half inches (1-1/2") or must be constructed with closely spaced vertical elements to prohibit the passage of a four inch (4") sphere in order to discourage climbing.

- (iii) All exterior points of access to the pool area must be equipped with self-closing and self-latching devices placed at the height of four feet six inches (4'6") and shall be placed so as to be inaccessible to small children.

3. Tennis Court Fences:

- a. Location: Tennis court fencing shall be located along both ends of a tennis court and may completely enclose the tennis court to achieve a four-sided enclosure. Tennis court fences shall not be permitted in any required setbacks.
- b. Height and Opacity: Tennis court fences shall not exceed ten feet (10') in height and shall be of the open type.
- c. Materials: Tennis court fences may be constructed of a metallic material, including chain link. Chain link fences shall be a minimum of eleven gauge wire with a mesh size not to exceed one and a half inches (1-1/2").
(Amd. Ord. 11-3215-37, eff. 9/26/11)

4. Yard Fences:

- a. Location: Yard fences, including underground electric fences, shall be permitted in all areas of a lot except required front and corner side yard setbacks unless otherwise prohibited by the provisions of the Village Code, however residential properties which abut Route 22 (Half Day Road) are permitted to be located within a corner or an interior side yard provided that the fence does not extend into the front or corner side yard or beyond the front plane of the primary structure's facade parallel to Route 22, and fences in adjacent interior side yards are required to align at the farthest setback from Route 22.
- b. Height: Yard fences shall be a maximum of four feet (4') in height. That portion of a fence which is adjacent to a public right-of-way of a major arterial as defined in this Chapter shall be permitted up to six feet (6') in height as measured from the crown of the road, however those residential properties which abut Route 22 (Half Day Road) shall be permitted a solid fence up to six feet (6') in height as measured from the crown of the road. Fences shall be erected up to eight feet (8') in height or landscaping of at least seventy-five percent (75%) opacity shall be provided for the purpose of separating incompatible land uses.

- c. Materials: Yard fences may be constructed of ornamental metal subject to the review of the Architectural Review Board and approval of the Village Board (Ord. 94-1327-11). However those six foot (6') tall solid fences located on those residential properties which abut Route 22 (Half Day Road) must be constructed of wood and have a natural wood finish and be designed in the following:
 - (i) A Traditional style solid wood fence with post end caps.
 - (ii) A Traditional Board and Batten style solid wood fence with post end caps.
 - (iii) A Traditional style solid wood fence with square lattice on top and post end caps.
 - (iv) A Traditional style sold wood fence with diagonal lattice on top and post end caps.

** Fence design examples: The examples shown on the next page labeled "Attachment A" provide a visual guide to acceptable fence design concepts, style and ornamentation for the permitted solid fences of those properties which abut Route 22.*

5. Non-Residential Fences:

- a. Location: Fences in non-residential areas of the Village may be permitted subject to the review and approval of the Architectural Review Board and Village Board. Non-residential fences shall be placed a minimum of four feet (4') inside a property line to allow adequate space for required landscape screening.
- b. Height: Fences in non-residential areas shall be a maximum of six feet (6') in height.
- c. Materials: Non-residential fences may be constructed of ornamental metal subject to the review of the Architectural Review Board and approval of the Village Board.

B. Screens

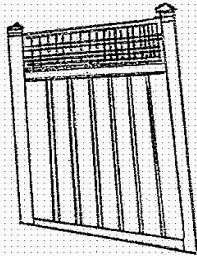
1. Ground-Mounted Mechanical Equipment: Public Utility:

- a. Location: Public Utility ground-mounted equipment which must be placed in a required yard setback shall be screened with plant material to provide full a n d c o m p l e t e s c r e e n i n g a t

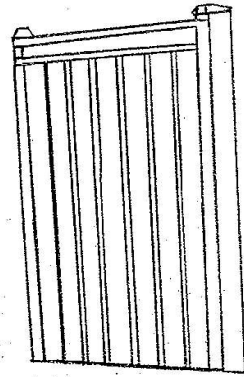
ATTACHMENT A

Fence design examples: The examples shown below provide a visual guide to the acceptable fence design concepts, style and ornamentation for the permitted solid fences of those properties which abut Route 22.

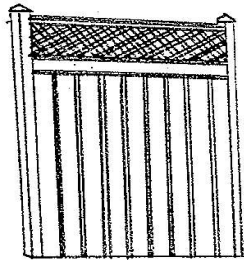
Six foot(6') maximum fence height.



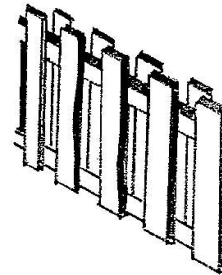
Traditional with Square Lattice



Traditional



Traditional with Diagonal Lattice



Traditional Board and Batten



the time of installation and throughout the year. The installation of such equipment and required landscaping shall not infringe on the safe site distances and right-of-way landscaping standards established in the Village Code. Written authorization from the Village Forester shall determine the only exceptions to the installation of required plant material screens for public utility equipment.

2. Ground-Mounted Mechanical Equipment: Other Than Public Utility:

- a. Location: All ground-mounted mechanical equipment and associated screens are prohibited in required yard setback areas and may not extend beyond any facade of the primary structure facing a public way.
- b. Height: Screens shall be a minimum of six inches (6") above the highest point of the equipment being screened and shall not exceed twelve feet (12') in height in non-residential districts and six feet (6') in height in residential districts.
- c. Materials: Screens shall be constructed of materials which blend with the surroundings or are complimentary to those used in the primary structure on the site. Plant materials or berms used as a screen must provide full and complete screening at the time of installation and throughout the year.

Ground mounted mechanical equipment (including but not limited to satellite earth station antennas, solar energy systems and pool related equipment), in residential zoning districts shall be screened by plant material or berms unless a permanent screen wall is incorporated into the design of the primary structure on the lot.

Heating and air conditioning units in single family residence zoning districts shall be exempt from the screening requirements of this Chapter.

3. Privacy Screens:

- a. Location: Screens for privacy purposes may only be erected in areas of a lot not in a required yard setback provided the screen does not extend beyond any facade of the primary structure facing a public way. The location of the screen is further restricted to areas adjacent to patios or decks and one end of the screen must be immediately adjacent to the primary structure on the lot.

- b. Height: Privacy screens shall be a maximum height of six feet (6') above the grade at which the structure is to be attached.
 - c. Length: The screen shall be limited to twenty-four (24) linear feet, not more than sixteen feet (16') of which may extend in a straight line. A minimum of forty-five (45) degree angle is required between panels which change direction.
4. Refuse and Recycling Screens:
- a. Location: Refuse and recycling screens shall only be permitted as required by the Village Code and may be erected in all areas of a lot provided that the screen does not extend beyond any facade of the primary structure facing a public way. The location of the required screen shall not be within five feet (5') of any property line.
 - b. Height: Screens in these areas shall be a minimum of six inches (6") above the highest point of the object being screened and shall not exceed six feet (6') in height.
 - c. Materials: Screens shall be constructed of materials which blend with the surroundings or are complimentary to those used in the primary structure on the site. (Ord. 92-1248-26 eff. 5/11/93)