

## CHAPTER 15

### FENCES AND SCREENS

#### SECTION

- 6-15-1: **Intent and Purpose**
- 6-15-2: **General Requirements**
- 6-15-3: **Specific Requirements by Type**
- 6-15-4: **Permits, Variations and Exceptions**

**6-15-1: INTENT AND PURPOSE:** This Chapter is intended to regulate the location, appearance and construction of residential and non-residential fences and screens that may be constructed in the Village. The purpose of these regulations is to maintain the public health, safety and welfare, to define boundaries, to protect the property values and economic well-being of the Village, and to promote the openness of residential yards in the Village.

**6-15-2: GENERAL REQUIREMENTS:**

**A. Location:**

1. General:

- a. Fences and screens (except underground electronic fences) shall not be located within a required front or corner side yard setback and shall not extend beyond the front façade of a primary structure. If the front façade of a primary structure is located within a required front or corner side yard setback, constructed fences or screens shall not extend into that required setback.
  - b. 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.
2. Floodway: No fence shall be located within the Floodway except to the extent permitted by the Lake County Watershed Development Ordinance, as amended. By way of example but not permission, a fence may be permitted in the floodway if it is associated with a recreational facility, such as playing fields or trail systems, and is designed to be 50% open when viewed from any one direction and parallel to the direction of flood flows.

**B. Appearance:**

1. Color: All fences and screens shall be of a color which blends with the natural surroundings or is complementary 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. Permitted chain link fences may be vinyl coated in above colors.
2. Height: The overall standing fence height may be increased by no more than 4" to accommodate decorative fence elements such as caps. Fences shall not be placed on constructed earthen berms or mounds, unless the Village Board has granted a variation to the fence height requirements.
3. Materials: Fences shall be constructed of a non-metallic or ornamental metal material and must be of the open type with a finished side facing outward, unless otherwise specified in the provisions of this title. Chain link, barbed wire and other non-self supporting fences are prohibited, except where they are specifically permitted by this Code. Metal screens are prohibited.

**C. Construction Requirements:** All fences and screens in the Village require a building permit issued by the Village. All fences and screens shall be constructed of materials and in a manner which meets or exceeds the requirements of all adopted codes. Fence posts shall be designed of a decay or corrosion resistant material and shall be embedded into tamped earth, compactable gravel or concrete, to a depth which will ensure structural stability.

**6-15-3: SPECIFIC REQUIREMENTS BY TYPE:** The following requirements are supplemental to the General Requirements described in Section 6-15-2, and where there is a conflict between the General Requirements and Specific Requirements set forth below, the Specific Requirements shall take precedence and control.

**A. Fences:**

1. Yard Fences:
  - a. Location:
    - (i) Fences shall not be located within a required front or corner side yard setback and shall not extend beyond the front façade of a primary structure. However, fences shall be

permitted to be located within a required corner side yard setback on lots with a corner side yard adjacent to Half Day Road or Riverwoods Road. If the front façade of a primary structure is located within a required front or corner side yard setback, a fence shall not extend into that required setback. Fences in adjacent interior side yards which abut Half Day Road are required to be constructed so that such fences are aligned horizontally, unless such alignment conflicts with other regulations of this Section. No portion of a fence shall be constructed within a dedicated conservancy area or conservancy easement that runs continuously between adjacent lot lines. (Amd. Ord. 14-3328-55 eff. 06-09-14)

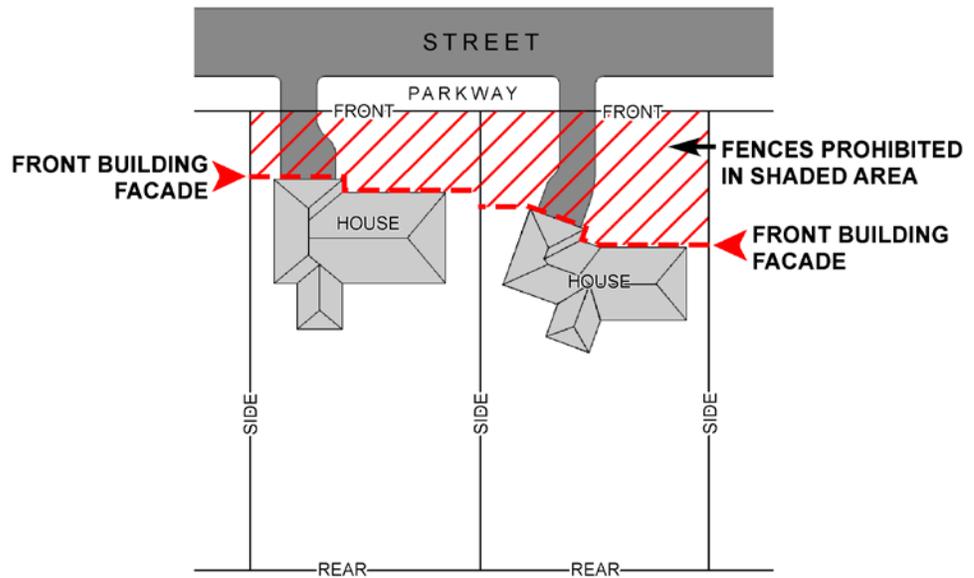
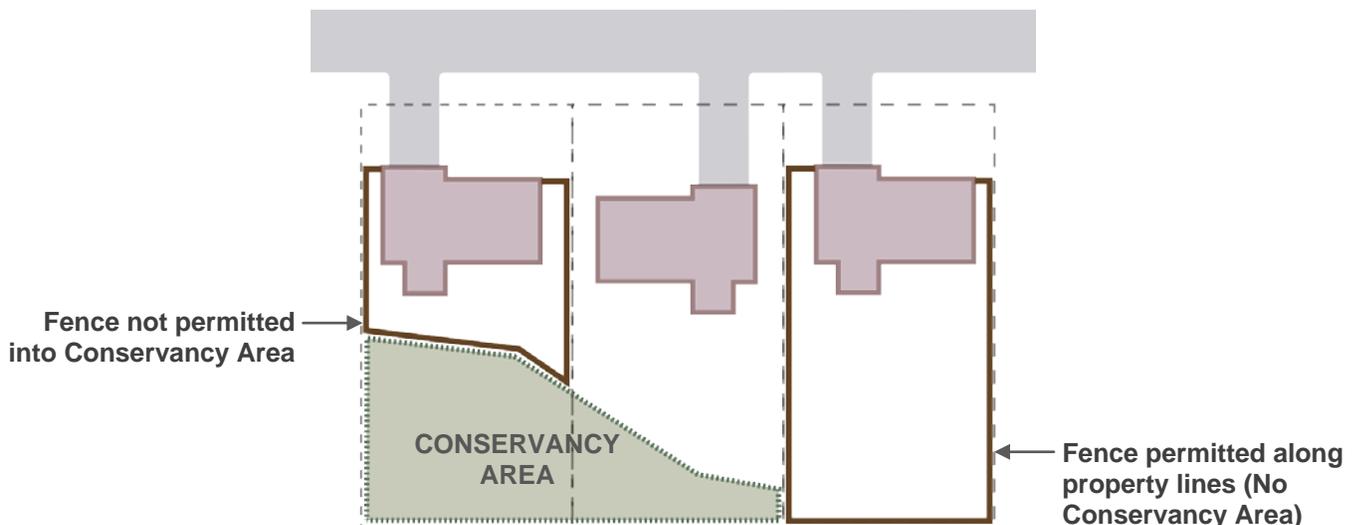
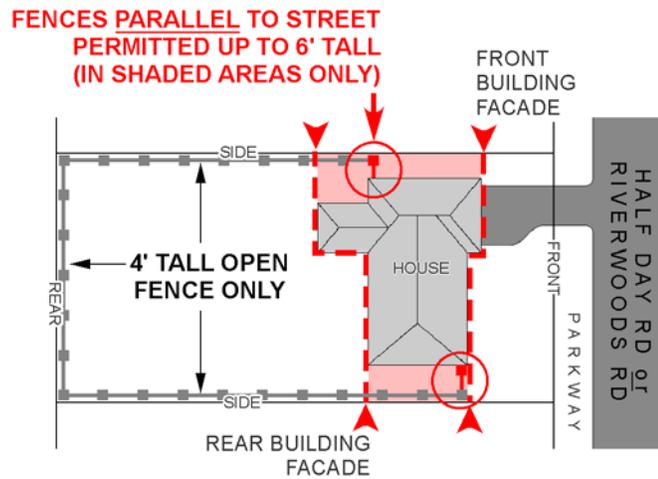


Illustration for 6-15-3-A-1(a)(i)



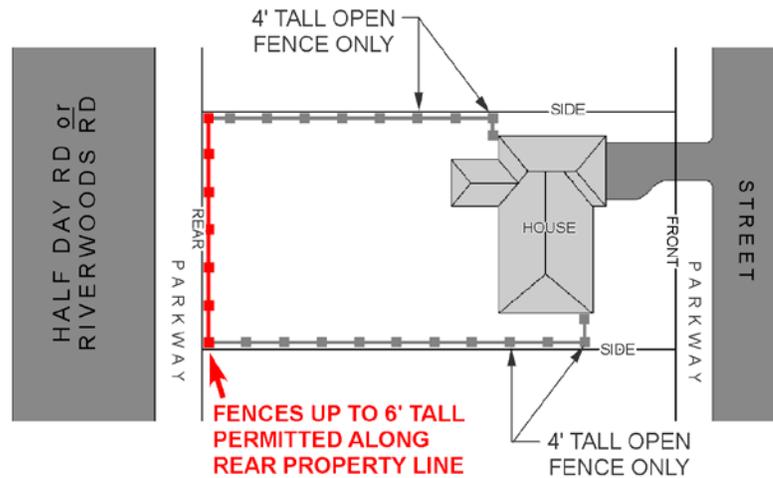
- (ii) A yard fence may be constructed on a vacant residential lot contiguous to a lot improved with a primary structure, provided that the two lots are under the same ownership and said fence encloses both lots so as not to create a physical barrier between the two lots. The authority herein granted shall expire within one (1) year following the date on which ownership of the adjacent lots is separated, unless the new owner receives a building permit and initiates construction of a primary structure on the vacant lot during that term.
  
- b. Opacity: Fences and gates shall contain no greater than 60% opaque materials, as measured horizontally along each foot of the length of the fence facing each yard, unless further modified in this Section below:
  - (i) Lots with primary structures which have a front yard on Half Day Road or Riverwoods Road may have solid fences, provided that such fences are located no further from either arterial road than the rear façade of the primary structure.
  - (ii) Lots with primary structures which have rear yards on Half Day Road or Riverwoods Road may have solid fences, provided that such fences are located along the rear property line that is adjacent to Half Day Road or Riverwoods Road.
  - (iii) Lots with primary structures which have a corner side yard on Half Day road or Riverwoods Road may have solid fences provided they are along the corner side property line. (Amd. Ord. 14-3328-55 eff. 06-09-14).
  - (iv) Lots with primary structures that are adjacent to an incompatible land use may have solid fences.
  
- c. Height:
  - (i) Yard fences that are constructed of a non-metallic or ornamental metal material shall not exceed four feet (4') in height, except that yard fences designed of an ornamental metal material on lots in the R1 and R2 Single-Family Residence Zoning Districts shall not exceed six feet (6') in height.
  - (ii) That portion of a fence that is parallel to the right-of-way and is located on a lot with a primary structure which has a front yard on Half Day Road or Riverwoods Road and that is located no further from either arterial road than the rear

façade of the primary structure shall not exceed six feet (6') in height.



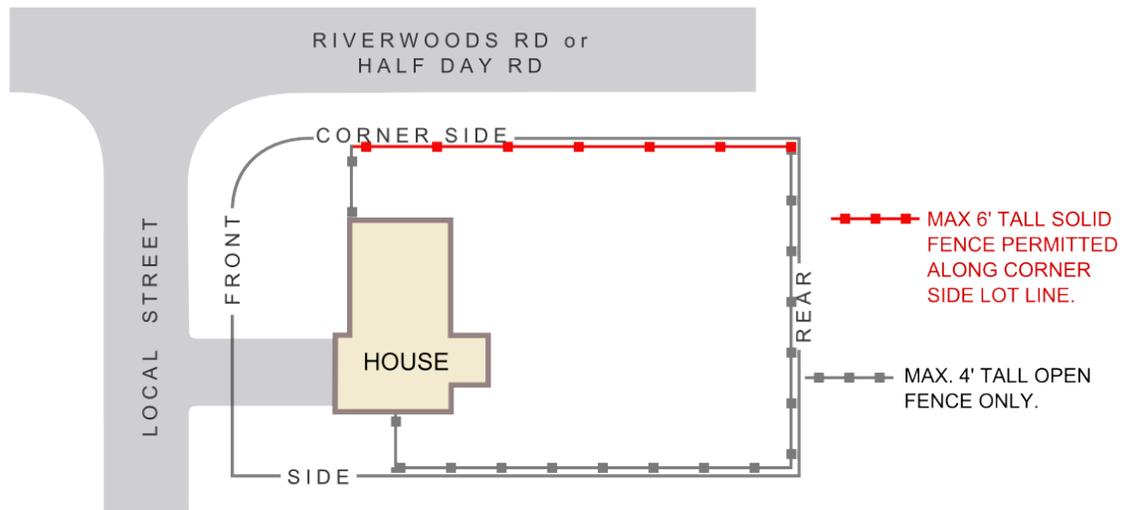
*Illustration for 6-15-3-A-1(c)(ii)*

- a. Fences along the rear property line of a lot that has a primary structure which has a rear yard adjacent to Half Day Road or Riverwoods Road shall not exceed six (6') in height.



*Illustration for 6-15-3-A-1(c)(iii)*

- b. Lots with a corner side yard adjacent to Half Day Road or Riverwoods Road shall be permitted to have a fence along the corner side property line not exceeding six (6') in height. (Amd. Ord. 14-3328-55 eff. 06-09-14).



*Illustration for 6-15-3-A-1(c)(iv)*

- c. Fences that are provided for the purpose of separating residential properties from an incompatible land use shall not exceed eight feet (8') in height.
- d. Materials; Appearance:
  - (i) Materials: Subject to subparagraphs (ii) and (iii), yard fences shall be constructed of non-metallic or ornamental metal materials. All fences taller than four feet (4') adjacent to Riverwoods Road shall be designed of non-metallic materials only.
  - (ii) Half Day Road Fences: Fences taller than four feet (4') located on lots on Half Day Road shall be constructed of wood with a natural wood finish. All solid fences shall be designed based on the following design concepts:
    1. A traditional style solid wood fence with post end caps.
    2. A traditional style solid wood fence with square lattice on top and post end caps.
    3. A traditional style solid wood fence with diagonal lattice on top and post end caps.
    4. A traditional Board and Batten style solid wood fence with post end caps.



1. A Traditional style solid wood fence with post end caps.



2. A Traditional style solid wood fence with square lattice on top and post end caps.



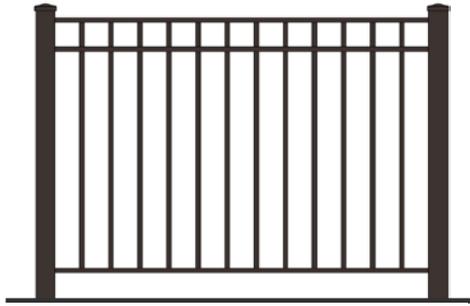
3. A Traditional style solid wood fence with diagonal lattice on top and post end caps.



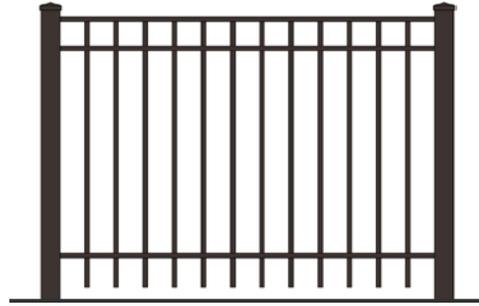
4. A Traditional Board and Batten style solid wood fence with post end caps.

(iii) Ornamental Metal Fences: Ornamental metal yard fences shall be constructed of a metal material and be designed based on the following design concepts:

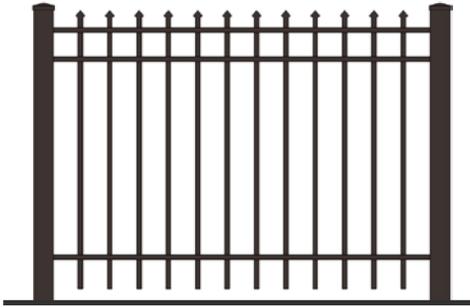
1. An ornamental metal fence with a top rail(s).
2. An ornamental metal fence with a top rail(s) and an extended bottom baluster.
3. An ornamental metal fence with a top rail(s), extended bottom baluster and decorative finials.
4. An ornamental metal fence with a top rail(s) and decorative rings and finials.



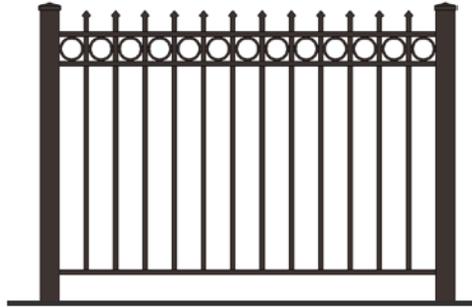
1. An ornamental metal fence with a top rail(s).



2. An ornamental metal fence with a top rail(s) and an extended bottom baluster.



3. An ornamental metal fence with a top rail(s), extended bottom baluster and decorative finials.



4. An ornamental metal fence with a top rail(s) and decorative rings and finials.

2. **Swimming Pool Fences:** Swimming pool fences are regulated by Section 5-5-6 of Title 5, Building Regulations.

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").

**B. Pet Enclosures:**

- 1. **Location:** Pet enclosures are prohibited in any required yard setback area and shall not extend beyond the front and corner-side facade of the primary structure and shall not be visible from the public way.

2. Number: Only one (1) pet enclosure shall be permitted on a lot.
3. Height and Size: Pet enclosures shall not exceed six feet (6') in height and 250 square feet in area.
4. Materials: Pet enclosures may be constructed of a metallic or non-metallic material. Chain link fencing may be used, provided that it is a minimum of eleven gauge wire with a mesh size of no more than one and a half inches (1-1/2").

**C. Underground Electronic Pet Enclosures (Dog Fences):** Electronic pet enclosures placed underground are regulated by Section 8-3-9(E) of Title 8, Public Ways and Property.

**D. Non-Residential Fences:**

1. Location: Fences in non-residential areas of the Village may be permitted subject to the recommendation of the Architectural Review Board and approval by the Village Board. Non-residential fences that are taller than 4' in height shall be placed a minimum of four feet (4') inside a property line to allow adequate space for required landscaping.
2. Height: Fences in non-residential areas shall not exceed six feet (6') in height, except as permitted in Section 6-15-3(A)(1)(c)(iv).
3. Landscaping: Fences in non-residential areas that are taller than four feet (4') in height shall be screened with landscaping which complies with Section 13-2-3 of the Village Code.

**E. Screens**

1. Ground-Mounted Mechanical Equipment: Public Utility: Public Utility ground-mounted equipment, which is placed in a required yard setback, in the event that no feasible location exists outside the required setback, shall be screened. Screens shall consist of plant material that provides full year-round concealment at the time of installation. The installation of such equipment and required landscaping shall not infringe on the visibility triangle, as depicted in Section 12-8-1(A)(4) of the Village Code, except to the extent required to comply with workplace safety standards.
2. Ground-Mounted Mechanical Equipment--Other Than Public Utility:
  - a. Location: Ground-mounted mechanical equipment and associated screens are prohibited in required yard setback

areas and shall not extend beyond any front or corner-side facade of the primary structure.

b. Height: Screens shall be a minimum of six inches (6") above the highest point of the ground-mounted 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:

(i) Residential Screens: Ground-mounted mechanical equipment (including, but not limited to, satellite antennas, ancillary power generators and pool-related equipment) shall be screened by plant material or berms, unless a permanent screen wall is constructed to be compatible with the design of the primary structure on the lot. Heating, air conditioning units and satellite antennas that are 1 meter (39.37") in width/diameter or less in residential zoning districts shall be exempt from the screening requirements of this Chapter.

(ii) Non-Residential Screens: Screens shall be constructed of materials which blend with the surroundings or are complementary to those used in the primary structure on the lot. Plant materials or berms used as a screen must provide full and complete concealment at the time of installation and throughout the year.

3. Privacy Screens:

a. Location: Screens for privacy purposes shall not be erected within a required yard setback and shall not extend beyond the front or corner-side facade of the primary structure. The location of a screen is further restricted to areas adjacent to patios or decks and one end of each screen must be immediately adjacent to the primary structure on the lot.

b. Height: Privacy screens shall not exceed a height of six feet (6') above the existing grade where such screen is erected.

c. Length: The cumulative length of all privacy screens on a lot shall be limited to twenty-four (24) linear feet, measured along the center line of the screen.

4. Refuse and Recycling Screens:

- a. General: Refuse and recycling screens shall be required for all non-residential uses.
- b. Location: Screens may be erected in any areas of a lot, provided that the screen does not extend beyond the front or corner-side facade of the primary structure. The location of the required screen shall not be within five feet (5') of any property line.
- c. Height: Screens 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.
- d. Design and Materials: Screens shall consist of three solid sides and a solid gate on the fourth side. Screens shall be constructed of materials which blend with the surroundings or are complementary to those used in the primary structure served by the refuse or recycling containers.

**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. 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.
2. Three (3) copies of a cross-section/elevation which indicates the depth of the posts, total height, material and method of attachment for the fence.
3. A Landscape Plan must be submitted for review and approval with all applications for non-residential fences that are taller than 4' in height. In addition, a landscape plan must be submitted for review and approval with all applications for public utility and non-public utility residential and non-residential ground-mounted mechanical equipment where landscape screening is proposed. The Landscape Plan shall indicate:
  - a. The location, size and type of any existing and proposed plant material that will obscure said fence or ground-mounted mechanical equipment from 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.

4. 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
5. 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 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.