



**REGULAR MEETING
PLAN COMMISSION/ZONING BOARD OF APPEALS
AUGUST 7, 2023 - 7:00 PM
VILLAGE HALL - BOARD ROOM**

The Plan Commission/Zoning Board of Appeals hears requests for zoning text amendments, rezoning, special uses, and variations and forwards recommendations to the Board of Trustees. The Commission also reviews all proposals to subdivide property and is charged with Village planning, including the updating of the Comprehensive Plan for Land Use. All Plan Commission actions are advisory and are submitted to the Board of Trustees for final action.

I. ROLL CALL

II. APPROVAL OF JULY 17, 2023 MEETING MINUTES

III. PUBLIC HEARINGS

A. Z-06-2023: Zoning Ordinance Amendments for Swimming Pool Fences (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 1, JUNE 5, & JUNE 19, 2023]

Request to consider text amendments to Section IV of the Zoning Ordinance to amend regulations to include the Building Ordinance requirement for a perimeter fence for a swimming pool.

B. Z-07-2023: Zoning Ordinance Amendments for Short-Term Rentals (Village of Burr Ridge)

Request to consider text amendments to Sections IV, VI, VIII, and XIV.B of the Zoning Ordinance to regulate short-term rental use.

C. Z-08-2023: Zoning Ordinance Amendment for Unrelated Persons (Village of Burr Ridge)

Request to consider a text amendment to Section XIV.B of the Zoning Ordinance to amend the definition of "Family" to reduce the number of unrelated persons residing together in a single dwelling unit.

IV. CORRESPONDENCE

A. Board Report

July 24, 2023

B. Building Reports

None

V. OTHER CONSIDERATIONS

VI. PUBLIC COMMENT

VII. FUTURE MEETINGS

August 14 Village Board CANCELLED

August 21 Plan Commission/Zoning Board of Appeals

A. V-01-2023: 6301 S. County Line Rd. (Zaffar); Variations and Findings of Fact [CONTINUED FROM JULY 17, 2023]

Requests for four (4) variations from Zoning Ordinance Section IV.I to permit a deck in the front yard, a driveway gate on a parcel less than two acres in lot area, a driveway gate exceeding 6 ft. in height, and a driveway gate within the minimum 30 ft. corner side yard setback; and one (1) variation from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback. The petitioner seeks to build a driveway gate and fence along County Line Rd. and build a deck on the south side of the property.

B. V-02-2023: 16W122 91st Street (Leon); Variations and Findings of Fact

Requests for four (4) variations from Zoning Ordinance Section IV.I to permit (1) a driveway gate exceeding 6' in height, measuring 9'11" in height; (2) a driveway gate within the minimum 30' front yard setback, located at a 4' setback; (3) light fixtures on architectural entrance structures exceeding the 18" maximum height, measuring 29"; and (4) wing walls of architectural entrance structures exceeding 4' in height and 3' in length. The petitioner seeks to construct a driveway entrance gate.

C. PC-07-2023 Village Center Entertainment District

Review of final streetscape designs.

August 28 Village Board

Commissioner Irwin is the scheduled representative.

September 4 Plan Commission/Zoning Board of Appeals – NO MEETING DUE TO HOLIDAY

September 11 Village Board

Commissioner Morton is the scheduled representative.

September 18 Plan Commission/Zoning Board of Appeals

A. Z-02-2023: 60 Shore Drive (Naddaf – Coda Motors); Special Use Amendment, Special Use, and Findings of Fact [REMANDED FROM BOARD OF TRUSTEES MAY 22, 2023 & CONTINUED JUNE 5 & JULY 17, 2023]

Requests to amend Ordinance #A-834-02-19, a special use for automobile sales, to expand the existing special use from 7,400 sq. ft. to 10,100 sq. ft., and an additional special use for outdoor, overnight storage of retail vehicles ancillary to a special use in accordance with Zoning Ordinance section X.F.

B. V-03-2023: 7703 Hamilton Ave. (Iwanetz); Variation and Findings of Fact

Requests for a variation from Zoning Ordinance Section VI.D to permit a corner side yard setback of 30 ft. instead of the minimum 40 ft. required. The petitioner seeks to build a new single-family residence.

September 25 Village Board

Commissioner Stratis is the scheduled representative.

VIII. ADJOURNMENT

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF JULY 17, 2023

I. ROLL CALL

The meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:00 p.m. at the Burr Ridge Village Hall Board Room, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 6 – Irwin, Parrella, Petrich, Broline, Morton, and Trzupek

ABSENT: 2 – McCollian and Stratis

Village Attorney Michael Durkin and Community Development Director Janine Farrell were also present.

II. APPROVAL OF PRIOR MEETING MINUTES – JUNE 19, 2023

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to approve the minutes of the June 19, 2023, meeting as presented.

ROLL CALL VOTE was as follows:

AYES: 5 – Morton, Broline, Irwin, Petrich, and Trzupek

NAYS: 0 – None

ABSTAIN: 1 – Parrella

MOTION CARRIED by a vote of 5-0 with 1 abstention.

III. PUBLIC HEARINGS

Chairman Trzupek conducted the swearing in of all those wishing to speak during the public hearings on the agenda for the meeting.

A. Z-02-2023: 60 Shore Drive (Naddaf – Coda Motors); Special Use Amendment, Special Use, and Findings of Fact [REMANDED FROM BOARD OF TRUSTEES MAY 22, 2023 & CONTINUED JUNE 5, 2023]

Director Farrell noted that the petitioner sent a request via email on July 14, 2023 requesting that the case be continued until September 18, 2023.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to continue Z-02-2023 to September 18, 2023.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Morton, Parrella, Petrich, Broline, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

B. Z-05-2023: 1400 Burr Ridge Parkway/Portions of Outlots A, C, and D of Lakeside Pointe Subdivision/PINs 18-30-303-016-0000, 18-30-101-048-0000, 18-30-101-045-0000, and 18-30-101-047-0000 (McNaughton Development LLC); PUD Amendment, Special Use, Variations, Preliminary Plan approval, and Findings of Fact [CONTINUED FROM APRIL 17, MAY 1, MAY 15 & JUNE 5, 2023]

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated the case was first heard and discussed before the Commission on May 15th and has been continued for a couple meetings. Points of concern included the density, backyards facing Burr Ridge Parkway and amending the Lakeside Pointe Declaration. Since the May 15th meeting, the Petitioner provided a revised landscape plan adding five evergreens and two deciduous shrubs in the far west area. Two letters have been received; one from Village Attorney, Mike Durkin, regarding amending the Lakeside Pointe Declaration and the second from the Burr Ridge Corporate Park Owner's Association Property Manager, Kristy Tramontana regarding covenants for the Association. Burr Ridge Corporate Park stated that although the Bridewell Drive 60 ft. setback and 3-acre minimum lot area requirements are in the Declaration, they are up to the Village to enforce. The Petition includes findings of fact and recommended conditions should the Commission approve. Two new recommended conditions for Commission approval have been added since May 15th. Condition #7 was suggested by the Petitioner and recommended for adoption by the Village Attorney. This condition protects the Village against legal action from Lakeside Pointe residents for amending the Declaration. Condition #8 requires a draft of the Villas Declaration to be included with the submission of the final plan.

Chairman Trzupek asked if the petitioner was present and wished to speak.

John Barry with McNaughton Development stated he had nothing further to add to Director Farrell's summary. The petitioner believes that the 15 units presented back in May is the best possible plan it can offer the Village. The petitioner stated that this is a difficult development site and believes McNaughton Development has come up with a solid plan for the site's use with a high quality, highly demanded, under-represented product within the Village.

Chairman Trzupek summarized from the Plan Commission point of view stating that back on May 15th there were numerous comments and concerns about the plan including density issues that ultimately necessitate a number of variations relating to acceptable number of overall units, setbacks, roadway width, capacity of guest parking and monotony of architecture. Chairman Trzupek asked the petitioner to clarify that, with the exception of

adding some landscaping to the west side, the development plan as discussed on May 15th remained unchanged. The petitioner acknowledged that this was the case.

Chairman Trzupek then asked for public comment. He reminded those present that the issue of conveyance of the additional acreage is not a Plan Commission issue. If it became an issue for approval, the conveyance of that property would need to be completed first. Additionally, although the 60 ft. setback on Bridewell is not presently enforced by the Corporate Park, the Plan Commission cannot overlook this setback so a variation would have to be approved to move forward with the 30 ft. setback in the plan presented.

Commissioner Irwin asked the public that when they provide comment, if they would state what type of development they would prefer to see there.

George Spindler, a resident of Lakeside Pointe, stated that a summary of recommendations of the Village Attorney contained a provision reflecting that the declarations and covenants covering the Lakeside Pointe PUD would have to be amended and such amendment would require signature of 22 owners of 44 sold lots. He noted that he did not hear any reference to this requirement tonight. Mr. Spindler expressed concern that Petitioner is asserting that because one prior transfer was not a sale, it possesses the right to unilaterally amend the declarations and covenants.

Director Janine Farrell clarified that conditions #5 and #6 from the May 15th meeting require the amendment of the Declaration.

Chairman Trzupek further clarified that the issue of whether the amendment of the Declaration may be completed with or without present homeowner agreement will not be determined at this juncture. The conditions specify issues that must be addressed before any recommendation for approval may proceed.

Mike Durkin, Village Attorney, stated the Declaration currently provides that outlots are to be conveyed in entirety to the Homeowners Association and if the petitioner desires to reserve a portion of such outlots for conveyance to the Villas, the Declaration requires amendment. The petitioner asserts that 50% of the owners' consent is not required. Village Attorney suggests Homeowners may wish to seek Declaratory Action or Injunctive Relief if they believe differently. Ultimately, the issue is not a Plan Commission issue. The issue for the Plan Commission is that amendment of the Declaration must take place within a certain timeline.

George Spindler, resident, expressed disappointment that a lawsuit is required to resolve the question of what is required to amend the Declaration. He suggested that issue cannot be resolved absent the Plan Commission denying the Petition to proceed with the project.

Commissioner Irwin asked how the Plan Commission will know if condition #6 requiring amendment of the Declaration is satisfied unless the Plan Commission understands whether or not Petitioner has the exclusive right to amend the Declaration.

Mike Durkin, Village Attorney, suggested that proof would come from minutes of the Homeowner's Association proceedings. He reiterated that the Plan Commission has no ability to make a legal determination regarding the ability of the Petitioner to unilaterally amend the Declaration. He further stated that someone will need to take legal action to determine the issue within the 60-day timeframe specified in the conditions.

Director Janine Farrell clarified that the 60 days is the time period for the preliminary to the final plat approval before the Board.

George Spindler predicted that Petitioner will amend the Declaration based upon its own interpretation of its rights to do so. He expressed further concerns about the project density, the potential bad precedent of approval, and engineering and water drainage issues.

Mary Ryan, 7318 Lakeside Circle, shared five points. Firstly, she spoke about the fact that after two continuances, the only revision offered today to address the concerns of the Homeowners and the Plan Commission was the addition of five trees to the landscape plan. Concerns about road width, emergency vehicle access, density, storm water, and guest parking spaces remain unaddressed. Secondly, she spoke about recent rainfalls and the difficulty of the existing subdivision to adequately drain water from storms and worried that the proposed development would only exacerbate this issue. Thirdly, she expressed dismay about the suggestion that the proposed development plan has been referred to by Petitioner as "Phase 2", a phasing concept that she said had never been suggested at the time of the initial home sales. Fourth, she reiterated George Spindler's concerns about Petitioner's definition of sales within the community and the suggestion that the 50% sale threshold to require homeowner consent to the Declaration amendment had not been met. Finally, she felt the Petitioner aimed to satisfy zoning code floor area ratio requirements by piece-mealing parcels together thus subverting the intention behind the zoning ordinance.

Michael Glynn, 7343 Lakeside Circle, questioned what this project brings to the community and why it warrants so many variances. He distributed images of stormwater drainage issues in the development. Pictures distributed depicted water flow after the recent rainstorm last week. He expressed concern that the basin size is not sufficient to hold the run-off of water generated during rainstorms.

Chairman Trzupek stated that while the concern is noted, the engineering plan for the development must satisfy certain requirements considered outside of the Plan Commission approval process.

Michael Glynn proceeded to bring up the issue of density. He noted that the lack of grassy areas within the development will only further contribute to water drainage issues. He suggested that the property be donated to the Village and turned into a park. He questioned why the property needed to be developed and turned into homes.

Roy Pikus, 7296 Lakeside Circle, read an email he received from Tony DiTommaso who lives at 7282 Lakeside Circle and was unable to attend the meeting. The email shared Mr. DiTommaso's experience with McNaughton Builders regarding accounting of Homeowner Association dues. According to the Declaration, accounts should be available for inspection by owners. DiTommaso requested financial information from McNaughton and received very sparse account details in reply. After six requests, DiTommaso states he received no further information. DiTommaso questions the transparency and credibility of McNaughton Builders. Pikus questions whether McNaughton is the type of organization that the Village of Burr Ridge wants to continue to be in a relationship with.

Brendan Penny, Attorney for the owner of the property from the law firm of Meltzer, Purill & Stelle, LLC, made a brief statement. He stated that the property has been challenging to sell and this is not the first time development of this property has been before the Plan Commission. The property owner believes they have found a buyer in McNaughton that is a quality developer with a plan to develop the property in a creative fashion in an appropriate transitional area that will be beneficial to surrounding property owners and the Village as a whole. The property owner requests that the Plan Commission support the proposal.

There was no additional public comment. Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton stated that none of the concerns he or other Commissioners raised at the first meeting have been addressed. These concerns include density, parking, emergency service access, and setback issues. He stated that the 3-acre lot size minimum issue remains unclear and he would like some clarification on that matter.

Chairman Trzupek addressed Commissioner Morton's inquiry about the 3-acre minimum requirement. He stated that what was presented appears to meet the 3-acre minimum requirement if additional outparcels are included. He felt density remains a question for consideration however when looking at the project from a units per acre standpoint for the entire property it may satisfy density requirements without variation but the layout and "crowdedness" of the plan may still present concerns.

Commissioner Morton clarified his understanding that the density issue is out of the hands of the Plan Commission in terms of definitively knowing whether the 3 acre minimum size issue threshold is achieved through future acquisition of additional outparcels. Chairman Trzupek stated that density, in terms of the numbers, work if Petitioner is able to combine the outlots. Density of the overall plan may still be considered. Commissioner Morton stated that proposed setbacks that are driven by density remain a valid concern. Chairman Trzupek agreed.

Commissioner Broline stated that he agreed with the points made by Commissioner Morton and felt no need to restate those points as they are already part of the record. He stated that twenty acres is the lot size required for a PUD of this nature and at this point, the Plan

Commission is considering somewhere around three acres as a Burr Ridge Corporate Park covenant. Regarding the outlot D which would raise total acreage to 3.5 acres, Commissioner Broline read the PUD definition and questioned how outlot D which is unique and narrow was capable of “creating its own environment” per requirements specified in the PUD definition. Commissioner Broline struggled with calling outlot D a property that can be considered as part of the PUD. He stated that the vast number of variance requests is indicative that too much is trying to be done with this property. The 28 ft. driveway entrance where 60 ft. is required per code creates a bottleneck and is dangerous. He further highlighted the fact that David Preissig, Village Engineer, asked 28 questions regarding engineering which remain unanswered by the petitioner.

Chairman Tzrupek stated that in fairness to the development, when the Plan Commission first reviewed the entire Weekly Homes proposal, it was well beyond 20 acres and the Plan Commission had recommended the approval of a plan that included the parcel now in question. For whatever reason, that development did not happen in its entirety and this parcel was left. The only thing left is approximately three acres and the only vehicle is a PUD. The PUD requirement of the Village may be dealt with but Chairman Tzrupek questions whether the Plan Commission has the ability to override the 3-acre covenant.

Commissioner Broline stated that the new development which includes a portion of the originally considered 20 acre project is not the same nature as the original Lakeside Pointe development and therefore does not fall within that covenant as he sees it.

Commissioner Petrich agreed generally with everything that has been said and also agrees with concerns the residents have raised. He noted that nothing has changed since early consideration and concerns have not been addressed. He believed some reduction in the number of units on the property would have gone a long way. He further expressed concern that significant questions about storm water drainage raised by the engineer have not been addressed after three months’ time.

Commissioner Parrella echoed the sentiments of the prior speakers and the original concerns she raised regarding the number of units included in the plan. She stated 10-12 units may have been more appropriate than the presently proposed 15 units. Emergency vehicle and safety issues still remain a concern of hers. She again raised concern that the proposed architecture was too monotonous in nature so that it better integrates with the adjoining subdivision. She stated that she was disappointed that the only modification to the proposal presented after a couple months’ time was the addition of the trees to the landscape plan. She felt that without additional modifications, making a decision at this point is very difficult to do.

Commissioner Irwin stated that he shares the views that have already been expressed. He did note that original plan considered proposed 52 overall homes. 44 were built when the land was developed which leaves at most 8 for this lot. He stated that he believed 8 units would probably be more appropriate than the number presently proposed. He referred to a depiction on the screen and noted that the proposed units are much smaller than the

existing units and thus they do not look consistent with the development that they are allegedly “Phase 2” of. He further pointed out that the indemnity provisions are not a cure all. He shared that recent costly litigation has highlighted that indemnity provisions are only as good as the party agreeing to indemnify. He admonished that when considering an indemnity, testimony should be considered about whether the developer fulfills its promises.

Chairman Trzupek stated that sincere concerns about this plan remain largely unaddressed, and the Plan Commission needs to consider the plan before it in light of the Petitioner’s response to the original comments. He stated that he has hard time supporting this particular plan as he did two months ago and nothing has changed to alleviate his concerns about the density driving a number of requested variations. He also stated he appreciates the concerns raised about the indemnification. He was blunt that he did not like the potential situation where if the plan is conditionally recommended, the Petitioner will be in the position where it may leverage the Plan Commission conditional approval to force a conveyance of outlots. He finally reiterated that he had the same concerns about the plan that he did two months ago.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to close the public hearing for Z-05-2023.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, Parrella, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Commissioner Petrich sought to clarify the recommended number of units as prior comments had referenced anywhere from 8 to 12 units. His perspective was no more than 10 units was appropriate. He wanted this issue to be clear in the minutes for the Board.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to **DENY** zoning case Z-05-2023, requests to (1) amend Planned Unit Development Ordinances A-834-21-17 and A-834-20-16, (2) for variations to permit a planned unit development on less than 20 acres and less than 800 ft. of lot width per Zoning Ordinance sections VI.H and XIII.H, (3) a special use for a Planned Unit Development pursuant to Zoning Ordinance sections VI.H and XIII.L, (4) preliminary plan approval of the PUD in accordance with Zoning Ordinance section XIII.L.2, and (5) variations from Subdivision Ordinance sections VII.D and (6) VIII.I for minimum street right-of-way width from 60 ft. to 28 ft. and to permit sidewalks on one side of the street instead of both, pursuant to Subdivision Ordinance section III.C, with Findings of Fact as revised by staff.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, Parrella, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

C. Z-09-2023: 6880 N. Frontage Rd. (Premier IL Burr Ridge LLC); Special Use Amendment and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated Petitioner was before the Plan Commission around this time last year requesting to take over the special use for a childcare center from Grand Avenue. The Petitioner now looks to expand the special use from 5,000 sq. ft. to 10,107 sq. ft. and to increase the number of children from 80 to 156. They are also seeking to expand the outdoor play area. Director Farrell referenced a property outlined in yellow to refresh the Commissioners regarding the property location and identified that to the west was the Loyola University Medical Center. Conditions 2 and 4 of their approved special use limited it to 5,000 sq. ft. and 80 children maximum. The Petitioner is now looking to expand that use. The Petitioner seeks to expand the outdoor playground by an additional 1,500 square feet which will result in the removal of about 4 parking spaces located on the adjacent parcel at 6860 North Frontage Rd. The two buildings do share parking and access to Frontage Rd. In connection with looking to add 76 children, the number of employees will also increase from about 15-20 to 35-40. She referred to drawings denoting the location and scope of the expansion. She noted that business in terms of hours of operation and scheduling for children arrival for full day and half day students will otherwise remain unchanged. Based upon parking calculations provided by the staff, there appears to be sufficient parking on the property to accommodate the expansion of the use. Petitioner provided findings of fact which the Commission may adopt in their recommendation. If the Plan Commission chooses to recommend the special use amendment for the child care center, Staff has the same four recommended conditions as last year with the exception of #2 and #4 which increase the use for the square footage and the number of children.

Chairman Trzupek noted that the business name was different and noted that the special use goes with the owner when the business changed hands.

Director Farrell acknowledged this point and stated that from 2020 the business owner was Grand Avenue and in 2022 Premier took over ownership. In 2023 the business owner remains Premier.

Chairman Trzupek asked if the petitioner was present and wished to speak.

Janae Kleifges, Regional Director with Premier Burr Ridge LLC, recognized that there was some concern about the drop off and pick up line previously. She advised the Commission that Premier has eliminated this procedure so now parents park and walk their children into the building.

Chairman Trzupek asked for public comment.

Haley Zaffar who has two children who attend Grand Avenue stated she feels there are a number of benefits to approving this special use amendment. She believed pick up and drop off are not a problem. She noted that the facility currently accepts children 2 years old and above. The expansion will allow the facility to accept infants as young as 6 weeks. She stated that childcare for this young age is very difficult to find and is important for families in the area. She further highlighted that the present outside play area is small and in need of expansion. Additionally, she stated that new indoor recreation space will allow students to be physically active in inclement weather. She strongly supports approval of the expanded special use.

There was no additional public comment. Chairman Trzupek asked for Commissioner discussion.

Commissioners Irwin and Parrella had no comments.

Commissioner Petrich asked what use was vacated from the building. The petitioner responded that she was unsure and it has been vacant for some time.

Commissioner Petrich recommended adding a condition of a Staff review of parking management plan in light of the special use increase in student number.

Commissioner Broline had no comments.

Commissioner Morton sought clarification from Director Farrell regarding Staff comment about inadequate parking.

Director Farrell corrected the misunderstanding and stated that Staff found that there is adequate parking and should not be an issue.

Commission Morton also sought clarification regarding Staff's findings pertaining to traffic flow and potential bottle-neck issues. Director Farrell noted several other childcare facilities also operating in proximity to Grand Avenue and stated that she has not received any concerns or complaints about conflicts with pick-ups and drop offs. Commissioner Morton did not object to the expansion.

Chairman Trzupek had no comments.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to close the public hearing for Z-09-2023.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Parrella, Petrich, Broline, Morton, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to **APPROVE** zoning case Z-09-2023, requests to amend special use Ordinance #A-834-09-22, a special use for a child care center pursuant to Zoning Ordinance section X.E.2, to expand the use from 5,000 sq. ft. to 10,107 sq. ft., increase the amount of children from 80 to 156, and to expand the outdoor playground area, with Findings of Fact, and with the following five (5) conditions:

1. The special use shall be limited to Premier IL Burr Ridge LLC in a manner consistent with the submitted business plan included as Exhibit A.
2. The special use shall be limited to the 10,107 square feet of floor area shown within the business plan at 6880 North Frontage Road included as Exhibit A.
3. The special use shall be limited to Tom Allor and his business partners and shall expire at such time that Mr. Allor and his business partners no longer occupy the space at 6880 North Frontage Road or at which time there is an assignment or termination of the lease for the space at 6880 North Frontage Road.
4. The capacity of the special use shall be limited to 156 children on the premises.
5. A parking management plan shall be submitted for staff review and approval.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, Parrella, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

D. V-01-2023: 6301 S. County Line Rd. (Zaffar); Variations and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated that this matter includes five variations. She referenced an image on the screen and noted it is a corner lot with a single-family home off Longwood Drive and South County Line Road. The main entrance of the house faces County Line Road however, under Zoning Ordinance definition, County Line Road is the corner side. The front of the property is technically along Longwood Drive as per the Zoning Ordinance, the shortest property line that borders a street is the front. The five variation requests include to permit a deck in the front yard. There are three requests related to a driveway gate and one request relating to a fence. The petitioner is requesting to build a deck on the south side of the home along Longwood Drive, technically considered the front of the home, to install a gate at the driveway entrance along County Line Road and erect a fence along the corner side yard property line. The deck is being requested as it is technically in the front yard and not permitted. Petitioner did not have a plan for the deck but submitted photos to give an indication of what they were looking to build. Driveway gates are permitted on properties

that are a minimum of two acres in area. The subject property is only 1.2 acres in area. Driveway gates are required to be set back at minimum 30 feet depending on the frontage. In this instance, the petitioner is requesting the driveway gate just inside of the property line. The petitioner also seeks to install a driveway gate that is 7 ft. in height while the permissible height for driveway gates is 6 ft. The picture of the gate provided also reflects some sort of spiked top or potentially impaling member. Director Farrell was uncertain regarding the feature. She noted that she sent the Petitioner two emails seeking clarification of the plan in this regard and did not receive a response. In regard to the fence request, the fence is being requested within the corner side setback just inside the County Line Road property line. The fence is allowed in a corner side area but must meet the minimum setback for the applicable zoning district. In this instance, Plat of Subdivision requirement is a 100 yard setback and there is an 80 foot setback for the County Line Road overlay. Since fence style clarification from the petitioner was not received, the only variation request put forward is not meeting the minimum setback for the corner side area. The petitioner provided findings of fact which the Plan Commission may adopt if they are in agreement with those findings. The recommendation has one condition which is that the gate, fence and deck shall substantially comply with the plans submitted except if the gate does in fact include any impaling members at its top, such feature shall be prohibited. The Commission may vote on the gate, fence and deck individually if it sees fit.

Chairman Trzupek asked if the petitioner was present and wished to speak.

William Ryan, Attorney for the petitioner, stated that he did not receive any emails asking for additional information, nor does he believe petitioner received any or they would have provided the requested information. He noted that attached to the petition is a survey reflecting that the deck requested is 10-12 ft south of the building and 30-32 ft east and west, so the request is fairly specific for a small deck off the south side of the building

Haley Zaffar, property owner, mentioned that she has two young children. Safety and security is of paramount concern and their yard abuts County Line Road where cars speed along quickly. They are the only house in the area that does not have a fence or a gate. While their lot size does not match the requirements, their needs are the same as neighboring properties. The location of the gate would be comparable to their neighbors and they are amenable to ensuring it does not have any impaling features. The house has an existing door on its side that is elevated about 2- 2.5 ft off the ground that presently leads to nowhere. The deck would provide an area outside of the egress point for them to watch their children play in the yard. The addition of the deck also resolves the current unaesthetically appealing appearance of having a door that leads to nowhere.

Rey Zaffar, property owner, noted that he grew up in this area and decided to raise his family here. He stated their driveway gate plan is setback further than the adjacent property's gate. In regard to the fence, he felt it should not be a visual obstruction. In terms of the driveway gate height, they looked for an attractive gate that would bridge the gap between the fence and did not focus on its height. He acknowledged that if the height

was an issue, they could likely get a shorter one. They do have a preference to proceed with the 7 ft. high gate as they feel it is very attractive. In regard to the deck, they are looking for a small area to step outside an existing door and watch their children. That portion of the yard is the most usable space on the property to play. They intend to stay in the area and have family in the area as well.

Haley Zaffar further mentioned that she and her husband talked to their neighbors. She specifically mentioned Jackie Perillo who she indicated wrote a letter in support of their petition. She also stated that several neighbors along Longwood have also verbalized their support of the petition being considered. She further indicated that the style, size and shape of the fence has not decided and welcomed being advised of any required conditions in this regard.

Rey Zaffar further added that the speed limit along County Line Road changes along their property from 45 mph to 35 mph. He stated the fence was a much to keep his children contained in the yard as it was to keep people out.

Chairman Trzupek asked for public comment. There was none. He went on to look at a slide of the proposed plan and to state that the location of the deck, although technically in the front yard, makes sense on this property. He also expressed his opinion that the driveway gate made sense despite this property being under 2 acres as it located along County Line Rd. and it does have the frontage. He did not feel a variation was necessary in regard to the gate height. Additionally, he did not think a variation in regard to the gate setback was necessary. From his perspective, a variation for the fence being located along County Line Road was also appropriate. He acknowledged that the proposal makes sense to a degree but he did not conclusively know how to rationalize all the variations given the size of the property.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton agreed that the deck seems acceptable. He expressed the view that labeling the front of the house as being located along Longwood did not make sense. He stated that the driveway gate height of 6 ft. is a requirement and he is concerned about a driveway gate being permitted on parcels under 2 acres. He asked Director Farrell regarding a prior approval of a gate for a home located east of County Line Rd., on the north side of Plainfield Rd in a cluster of homes owned among family members. He did not believe the matter came before the Plan Commission, but felt that more information regarding that case might help him in consideration of the less than 2 acre issue.

Director Farrell stated that particular matter involved a cluster of homes owned by related parties located on a private road in a subdivision. Subdivision gates go to the Board for approval. Individual parcels are governed by the Zoning Ordinance requirements.

Commission Morton also questioned information regarding other neighboring homes

which currently have driveway gates and asked for clarification regarding why driveway gates were permissible in those instances.

Director Farrell responded by stating that those fences and gates were installed prior to the adoption of the current requirements. She added that some of those properties are also larger estate lots that exceed the 2 acre requirement.

Chairman Trzupek asked if it is true that if the fence location were permitted to be less than 30 ft set back it would inconsistent with the rest of the properties.

Director Farrell stated that to her knowledge all the fences and gates along County Line Road in that area are generally in line with one another.

Chairman Trzupek clarified that the proposed fence location is consistent with the neighborhood. He stated that in regard to the gate, he is more inclined to recommend keeping the setback as to give more space when you pull in to not be projecting out onto County Line Rd.

Director Farrell pulled up a Google Maps Street View of the subject property for review by the Commissioners. She noted that two properties to the north are older properties that currently have fences and gates that would not be permissible under the current requirements.

Commissioner Broline stated that he drove out to the property to examine the neighborhood. He questioned Haley Zaffar's assertion that all the houses in the neighborhood had fences and gates as that was not what he observed. He acknowledged that to the north, Saddlebrook Estates, was likely an old property that fell under some different rules that do not apply today. Going to the South, he did not see any gates. He stated that he did not find it rational to say the fence should be approved because it is consistent with the neighbors because that was not what he viewed the neighbors to look like.

Haley Zaffar reiterated that while their lot sizes may not match, their needs are the same. She stated she actually feels their needs are even greater given they have two small children.

Commissioner Broline acknowledged Ms. Zaffar's position but also stated that similar requests have been considered and not accepted in the past because they do not meet code requirements.

Haley Zaffar responded stating that the location of the subject lot along County Line Rd. and Longwood puts it in unique position that justifies the Plan Commission making an exception in this instance.

Commissioner Broline clarified again the reason why Longwood is considered the front

lot. He referenced the plat view and stated that a fence could not extend further south than the back corner of the property along the frontage with the appropriate setbacks without a variation. He agreed that the 6 ft. limitation would need to be followed in any event.

Commissioner Petrich clarified that the fence height rule is 5 ft. and the gate height limitation is 6ft. He said that based upon the information presented, he finds the deck acceptable. He struggles with the location of the fence as he too examined the neighborhood and agrees with Commissioner Broline that there are just two properties that are pre-existing with the fence. He did acknowledge that the speed limit fluctuation might be a consideration that could impact the decision to permit a fence there. He also acknowledged that he would be a little open to a variance in gate height as the area of additional height is really ornamental in nature.

Commissioner Parrella stated she thinks the deck makes sense. She stated she is familiar with the area and believes even if it is only two properties with fences along County Line Rd., it is a long span of fence and visually, if done right, would make sense to permit the fence. She does not feel it is out of line but did question how the fence would turn the corner. She questioned if the concept was that there would be fence along County Line Rd. and bushes along Longwood. The petitioner acknowledged it was. She went on to state that if this is the case, a safety issue for a small child still exists. She would still like to see what the proposed fence and gate would look like.

Commissioner Irwin inquired whether there is an image of the subdivision marker and the orientation of the fence relative to it.

Director Farrell displayed an image to show the relative location of the marker, fence and proposed additional trees.

Commissioner Irwin stated he would redefine the front and side yard for purposes of what he is inclined to approve. The deck would be permissible. He further stated that he understood the need and desire for the fence, but hardship would need to be shown for approval. He stated that the need demonstrated is no different than the need of all residents and he questioned how approval could be granted in this particular instance. He acknowledged that one such justification may be to rely on the argument of consistency with surrounding properties for aesthetics. Ultimately, he did not feel there was a hardship for any of the variances beyond the deck.

Chairman Trzupek reiterated that he agrees the deck makes sense despite it being in the technical front yard. He stated he does feel that a fence along County Line Rd. is consistent with the neighborhood. He further stated that he understands the use of shrubs along Longwood and the traffic along County Line Rd. is far different from traffic along Longwood. Ultimately, he stated he thinks it's appropriate to have a fence and gate along County Line Rd., set back and in compliance with fence requirements.

Commissioner Broline stated that he does not see room for variation at all. He reiterated

that he takes issue with the assertion that all the houses in the area have fences and gates.

Commissioner Irwin stated that traffic moves rapidly in other areas of Burr Ridge as well. Justifying these variances because of traffic opens up a much discussion. He felt it was undesirable to have fences all over the Village.

Chairman Trzupek replied by stating that most of the properties along County Line Rd. already do have fences.

Commissioner Broline stated most of the developments south of I-55 did not have fences along County Line Rd.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to close the public hearing for V-01-2023.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Broline, Parrella, Petrich, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to **APPROVE** zoning case V-01-2023, a request for a variation from Zoning Ordinance Section IV.I to permit a deck in the front yard, with Findings of Fact, and with the following condition:

1. The deck shall substantially comply with the plans submitted by the petitioner and included as Exhibit A.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Parrella, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to **DENY** zoning case V-01-2023, a request for a variation from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback, with revised Findings of Fact by staff.

ROLL CALL VOTE was as follows:

AYES: 3 – Irwin, Broline, and Morton

NAYS: 3 – Parrella, Petrich, and Trzupek

MOTION FAILED by a vote of 3-3.

A **MOTION** was made by Commissioner Parrella and **SECONDED** by Commissioner Petrich to **CONTINUE** zoning case V-01-2023, a request for a variation from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback, to August 21, 2023.

ROLL CALL VOTE was as follows:

AYES: 5 – Parrella, Petrich, Irwin, Morton, and Trzupek

NAYS: 1 – Broline

MOTION CARRIED by a vote of 5-1.

Commissioner Broline expressed concern that the vote on the above motion was opening up the Commission to problems in the future by setting precedence that is outside the code.

Chairman Trzupek suggested that staff do some research regarding other approvals outside of the grandfathered properties. He recalled one matter where special consideration was given to the property's location along County Line Rd. in an area where the road was widened.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to **DENY** zoning case V-01-2023, requests for variations from Zoning Ordinance Section IV.I to permit a driveway gate exceeding 6 ft. in height and a driveway gate within the minimum 30 ft. corner side yard setback, with revised Findings of Fact by staff.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Morton, Parrella, Petrich, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to **CONTINUE** zoning case V-01-2023, a request for a variation from Zoning Ordinance Section IV.I to permit a driveway gate on a parcel less than two acres in lot area to August 21, 2023.

ROLL CALL VOTE was as follows:

AYES: 5 – Irwin, Parrella, Petrich, Morton, and Trzupek

NAYS: 1 – Broline

MOTION CARRIED by a vote of 5-1.

IV. CORRESPONDENCE

Commissioner Irwin asked for clarification about the revision to the plans for Pella Restaurant's minor PUD change request on the Board Report. Chairman Trzupek stated that after the Plan Commission meeting, Pella revised the plans to remove the additional awnings along Village Center Dr., keeping an additional awning along Lifetime Dr. The painting scheme was updated to only paint what had previously been shown with the inclusion of one storefront on Village Center Dr. and the interior of the addition.

There were no comments on the Building Reports.

V. OTHER CONSIDERATIONS

There were no other considerations.

VI. PUBLIC COMMENT

There were no other public comments.

VII. FUTURE MEETINGS

Director Farrell stated that Commissioner Parrella was the scheduled representative for Monday's Board meeting and that Z-05-2023 and Z-09-2023 would be on the agenda as considerations.

Director Farrell stated that there are three text amendments on the August 7 meeting agenda, the pool fence, short-term rentals, and unrelated persons. For August 21, there will be the continuation of V-01-2023 and one new variation request received last week.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to adjourn the meeting at 9:10 p.m.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Parrella, Petrich, Broline, Morton, and Trzupek
NAYS: 0 - None

MOTION CARRIED by a vote of 6-0

Respectfully Submitted:

Janine Farrell, AICP
Community Development Director



Z-06-2023: Request to consider text amendments to Section IV of the Zoning Ordinance to amend regulations to include the Building Ordinance requirement for a perimeter fence for a swimming pool.

Prepared for: Village of Burr Ridge Plan Commission/Zoning Board of Appeals
Greg Trzupek, Chairman

Petitioner: Village of Burr Ridge

Prepared by: Janine Farrell, Community Development Director

Date of Hearings: May 1, June 5, June 19, and August 7, 2023

On February 13, 2023, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments regarding fences for swimming pools. This was part of the annual zoning review from 2022. The Plan Commission held public hearings at the May 1, June 5, and June 19, 2023 meetings.

Current Regulations:

Under current Zoning Ordinance regulations, section IV contains the regulations for accessory uses including fences and pools. There is no explicit mention of a fence or barrier requirement for a pool in this section. The current requirement for a fence around a swimming pool is within the Building Ordinance. Village of Burr Ridge Building Ordinance Section 702.27 adopted Appendix G of the 2012 International Residential Code (IRC). It is within that code that a “barrier” (a fence, wall, building wall or combination thereof) is required. The barrier regulations from the 2012 IRC are included as Exhibit A. Section IV.J of the Zoning Ordinance references this code by stating, “Fences for Swimming Pools - As regulated in the other codes and ordinances of the Village.” Section IV.I of the Zoning Ordinance details the setbacks and location of the pool and does not mention a fence requirement.

Conflicting Regulations:

Village of Burr Ridge Building Ordinance Section 715 adopted the 2012 International Swimming Pool and Spa (ISPS) Code. Section 305 of that code details the barrier requirements for pools which are very similar to the barrier requirements in Appendix G of the 2012 IRC. There is one noted exception – the barrier requirement does not apply to swimming pools with a powered safety cover that complies with ASTM F1346. While IRC Appendix G requires a barrier, the ISPS does not. It is important to note that the Building Ordinance will likely be updated in the upcoming year to eliminate this conflict. At the May 1 meeting, the Commission requested additional information about powered safety covers. While the ASTM F1346 standard is available for purchase, many powered safety cover companies have basic information about what is included in these standards. Four of the qualifications include: a cover should be able to support 485 lbs. of weight, the cover must prevent small objects from being entered between the cover and pool, the cover prohibits a dangerous amount of water from collecting on the surface, and the cover must have a label with warnings. Information about pool safety barriers has been included as an attachment.

After the May 1 meeting, staff consulted with the Village's architectural plan reviewer and inspector to clarify a provision in Appendix G. It was confirmed that for an above ground pool that measures at least 48" in height, no barrier would be required since the pool itself can be used to satisfy the "barrier" requirement.

At the June 5 meeting, the Commission generally agreed to require a fence enclosure around a pool. The fence requirement could be in addition to a powered safety cover, but a powered safety cover alone was not generally supported. Staff was directed to contact the Village Attorney about the Village's liability if only a powered safety cover was permitted. The Village Attorney stated that as long as the Village legally adopts and enforces Building Codes which are industry standards, such as those from the International Code Council, the Village is not liable should an accident occur.

At the June 19 meeting, the Commission discussed the possibility of allowing two forms of protection in lieu of a fence, such as a powered safety cover and an alarm. The draft language has been amended to reflect this direction (see Exhibit B). At the June 19 meeting, the Commission also requested information about House Bill 1009 from the Illinois 90th General Assembly. While this Act was introduced in 1999, it was never formally adopted. The last action was on January 12, 1999 states "session sine die" meaning that discussion of the Act was continued indefinitely to a date not determined.

Findings of Fact

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

Attachments

- Exhibit A – Petitioner's Materials
 - Application
 - Findings of Fact
 - Section AG105 of Appendix G of the 2012 International Residential Code
 - Existing Zoning Ordinance Language pertaining to pools and fences
 - U.S. Consumer Product Safety Commission Safety Barrier Guidelines for Residential Pools
 - Pool and Hot Tub Alliance information about protection
- Exhibit B – Proposed Language for Zoning Ordinance Section IV, two options for requiring a fence and not requiring a fence



VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): Janine Farrell, Community Development Director
Village of Burr Ridge

STATUS OF PETITIONER: Village of Burr Ridge/municipality

PETITIONER'S ADDRESS: 7660 S. County Line Road, Burr Ridge, IL 60527

ADDRESS OF SUBJECT PROPERTY: N/A

PHONE: (630) 654-8181 x. 6100

EMAIL: jfarrell@burr-ridge.gov

PROPERTY OWNER: N/A

PROPERTY OWNER'S ADDRESS: N/A PHONE: N/A

PUBLIC HEARING REQUESTED: ☐ Special Use ☐ Rezoning ☒ Text Amendment ☐ Variation(s)

DESCRIPTION OF REQUEST:

Request to amend section IV of the Zoning Ordinance to require a fence enclosure for swimming pools. The fencing requirement is currently codified under the Building Ordinance.

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: N/A EXISTING ZONING: N/A

EXISTING USE/IMPROVEMENTS: N/A

SUBDIVISION: N/A

PIN(S) # N/A

The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition.

Petitioner's Signature

Date of Filing



**FINDINGS OF FACT
FOR AN AMENDMENT TO THE
VILLAGE OF BURR RIDGE ZONING ORDINANCE**

Section XIII.J of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings in order to recommend a text amendment to the Zoning Ordinance. The petitioner must respond to and confirm each of the following findings by indicating the facts supporting such findings.

- a. The amendment is compatible with other standards and uses of the Zoning Ordinance;

Section IV of the Zoning Ordinance details accessory uses such as swimming pools and fences. Within these regulations, a reference is made to the Building Code requirement for a fence for a swimming pool. Since the fence regulations (height, transparency, material) are within the Zoning Ordinance, a cross-reference to the Building Code requirement would create clarity for residents.

- b. The amendment fulfills the purpose and intent of the Zoning Ordinance;

The Zoning Ordinance section IV.J. states that fences for swimming pools are "as regulated in the other codes and ordinances of the Village." Building Code section 702.27 adopts Appendix G of the International Residential Code which details the fencing requirement for swimming pools. Amending the Zoning Ordinance language will allow for greater clarity to residents instead of simply referring to another Ordinance regulation.

(Please transcribe or attach additional pages as necessary)

2012 International Residential Code (IRC) Appendix G

<https://codes.iccsafe.org/content/IRC2012/appendix-g-swimming-pools-spas-and-hot-tubs>

SECTION AG105 BARRIER REQUIREMENTS

AG105.1 Application.

The provisions of this appendix 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 the 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 $1\frac{3}{4}$ inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a $2\frac{1}{4}$ -inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than $1\frac{3}{4}$ 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 $1\frac{3}{4}$ inches (44 mm).
8. Access gates shall comply with the requirements of 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 $\frac{1}{2}$ inch (12.7 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;
 - 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 and *labeled* in accordance with UL 2017. 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 as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.
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 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 Item 9 of Section AG105.2.

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 comply with ASTM F 1346 shall be exempt from the provisions of this appendix.

BUILDING ORDINANCE:

The current requirement for a fence around a swimming pool is within the Building Ordinance. Village of Burr Ridge Building Ordinance Section 702.27 adopted Appendix G of the 2012 International Residential Code. It is within that code that a barrier (fence, wall, or combination) is required. <https://codes.iccsafe.org/content/IRC2012/appendix-g-swimming-pools-spas-and-hot-tubs>

CURRENT ZONING ORDINANCE RELATED LANGUAGE, SECTION IV:

I. PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES - LOCATION & REGULATION

28. Ponds (Private)

Ponds (private) and related features with water depths greater than 2 feet may be located in the rear buildable area and are permitted in the required rear yard, but not closer than 10 feet to the rear lot line. Ponds are subject to issuance of a grading permit by the Village and shall meet the regulations for Swimming Pools (Private) including the requirement for a perimeter fences as adopted by the Village of Burr Ridge Building Ordinance. Related equipment shelters may encroach into the required rear yard but not closer than 10 ft. to the rear lot line.

33. Swimming Pools (Private)

Swimming pools (private) may be located in a rear buildable area and are also permitted in the required rear yard, but not closer than 10 feet to the rear lot line.

J. FENCES

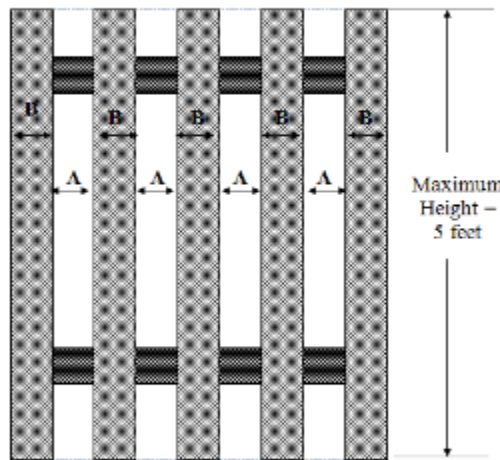
Fences are permitted and may be obstructions in yards (for purposes of this Section the term "yards" shall not be limited to the required yards set forth in this Zoning Ordinance but also shall include all unobstructed open areas on a lot) or courts as regulated herein.

1. Fences, Open -- in residence districts only

1. Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
2. Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)
3. All fence posts and all supports must face the interior of the property on which it is located.

4. Chain link, solid, barbed wire and fences which are electrically charged to produce a shock when touched are specifically prohibited.
5. All fences in residential districts shall be open fences as defined by Section XIV and as depicted below (Amended by Ordinances A-834-09-01 and A-834-13-11). Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.

Figure IV.J.1.e Graphic Definition of Open Fence



“A” must be equal to or greater than “B”

2. Fences -- in non-residence districts

Fences in non-residential districts, unless specifically required by other provisions of this Ordinance, may only be provided if they comply with the following provisions:

1. Fences in non-residential districts, unless otherwise required by this Ordinance, shall be considered special uses and shall be subject to compliance with Section XIII.K of this Ordinance except as modified herein.
2. The standards for consideration of a special use pertaining to a non-residential fence shall be limited to the standards referenced as b, c, d, and h in Section XIII.K.7 of this Ordinance and reiterated as follows:
 1. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.

2. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood in which it is to be located.
 3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 4. The special use shall, in other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission or, if applicable, the Zoning Board of Appeals.
3. The location, height, design, and type of fence shall comply with the standards for residential fences contained in Section IV.J.1 above, except as may be specifically authorized by conditions for approval of the special use.

3. Fences for Swimming Pools

As regulated in the other codes and ordinances of the Village.



Safety Barrier Guidelines for Residential Pools

Preventing Child Drownings

U.S. Consumer Product
Safety Commission





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For further information, write:

U.S. Consumer Product Safety Commission
Office of Communications
4330 East West Highway
Bethesda, Md. 20814
www.cpsc.gov

CPSC is charged with protecting the public from unreasonable risks of injury or death associated with the use of the thousands of consumer products under the agency's jurisdiction.

Many communities have enacted safety regulations for barriers at residential swimming pools—in ground and above ground. In addition to following these laws, parents who own pools can take their own precautions to reduce the chances of their youngsters accessing the family or neighbors' pools or spas without supervision. This booklet provides tips for creating and maintaining effective barriers to pools and spas.



Each year, thousands of American families suffer swimming pool tragedies—drownings and near-drownings of young children. The majority of deaths and injuries in pools and spas involve young children ages 1 to 3 and occur in residential settings. These tragedies are preventable.

This U.S. Consumer Product Safety Commission (CPSC) booklet offers guidelines for pool barriers that can help prevent most submersion incidents involving young children. This handbook is designed for use by owners, purchasers, and builders of residential pools, spas, and hot tubs.

The swimming pool barrier guidelines are not a CPSC standard, nor are they mandatory requirements. CPSC believes that the safety features recommended in this booklet will help make pools safer, promote pool safety awareness, and save lives. Barriers are not the sole method to prevent pool drowning of young children and cannot replace adult supervision.

Some states and localities have incorporated these guidelines into their building codes. Check with your local authorities to see what is required in your area's building code or in other regulations.



Swimming Pool Barrier Guidelines

Many of the nearly 300 children under 5 who drown each year in backyard pools could be saved if homeowners completely fenced in pools and installed self-closing and self-latching devices on gates.

Anyone who has cared for a toddler knows how fast young children can move. Toddlers are inquisitive and impulsive and lack a realistic sense of danger. These behaviors make swimming pools particularly hazardous for households with young children.

CPSC reports that child drownings are the second leading cause of accidental death around the home for children under 5 years of age. In some southern or warm weather states, drowning is the leading cause of accidental death in the home for children under 5.

CPSC staff has reviewed a great deal of data on drownings and child behavior, as well as information on pool and pool barrier construction. The staff concluded that the best way to reduce child drownings in residential pools is for pool owners to construct and maintain barriers that will help to prevent young children from gaining access to pools and spas.

The guidelines provide information for pool and spa owners to use to prevent children from entering the pool area unaccompanied by a supervising adult. They take into consideration the variety of barriers (fences) available and where each might be vulnerable to a child wanting to get on the other side.

The swimming pool barrier guidelines are presented with illustrated descriptions of pool barriers. The definition of pool includes spas and hot tubs. The swimming pool barrier guidelines therefore apply to these structures as well as to above ground pools, and may include larger portable pools.

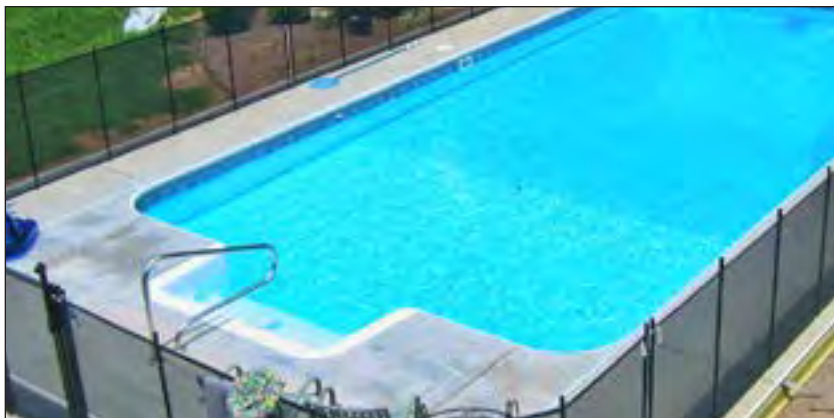
Pool and Spa Submersions: Estimated Injuries and Reported Fatalities*

CPSC publishes an annual report on submersion incidents. Key findings from the 2012 report include:

- Nearly 300 children younger than 5 drown in swimming pools and spas each year representing 75 percent of the 390 fatalities reported for children younger than 15.
- Children aged 1 to 3 years (12 months through 47 months) represented 67 percent of the reported fatalities and 66 percent of reported injuries in pools and spas.
- Over 4,100 children younger than 5 suffer submersion injuries and require emergency room treatment; about half are seriously injured and are admitted to the hospital for further treatment.
- The majority of drownings and submersion injuries involving victims younger than 5 occur in pools owned by the family, friends or relatives.
- The majority of estimated emergency department-treated submersion injuries and reported fatalities were associated with pools.
- Portable pools accounted for 10 percent of the total fatalities (annual average of 40) for children younger than 15.

**The report presents average annual estimates for emergency department-treated injuries for 2009 through 2011 and average annual estimates for fatal submersions for 2007 through 2009, as reported to CPSC staff. The years for reported injury and fatality statistics differ due to a lag in fatality reporting.*





Barriers

Barriers are not child proof, but they provide layers of protection for a child when there is a lapse in adult supervision. Barriers give parents additional time to find a child before the unexpected can occur.

Barriers include a fence or wall, door alarms for the house, and a power safety cover over the pool. Use the following recommendations as a guide.

Barrier Locations

Barriers should be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

Fences

A fence completely surrounding the pool is better than one with the house serving as the fourth side. Fences should be a minimum of 4 feet high, although fences 5 feet or higher are preferable.

If the home serves as one side of the barrier install **door alarms** on all doors leading to the pool area. Make sure the doors have self-closing and self-latching devices or locks beyond the reach of children to prevent them from opening the door and gaining access to the pool.

Pool covers add another layer of protection and there are a wide variety of styles on the market. Keep pool covers well-maintained and make sure the control devices are kept out of the reach of children.

A successful pool barrier prevents a child from getting **OVER**, **UNDER**, or **THROUGH** and keeps the child from gaining access to the pool except when supervising adults are present.

How To Prevent a Child from Getting OVER a Pool Barrier

A young child can get over a pool barrier if the barrier is too low or if the barrier has handholds or footholds to use when climbing. The top of a pool barrier should be at least 48 inches above grade, measured on the side of the barrier which faces away from the swimming pool. Some states, counties or municipalities require pool barriers of 60 inches.

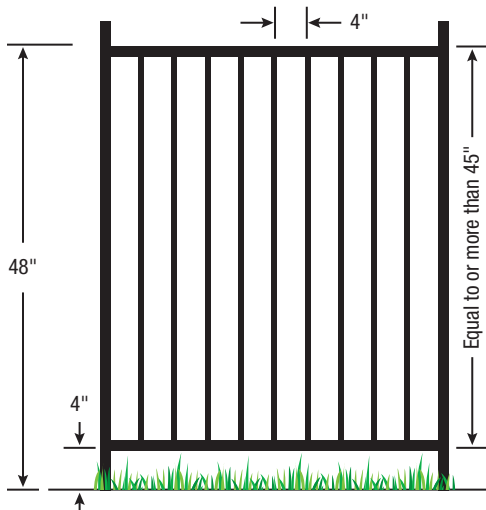


Figure 1

Eliminate handholds and footholds and minimize the size of openings in a barrier's construction.

For a Solid Barrier

No indentations or protrusions should be present, other than normal construction tolerances and masonry joints.

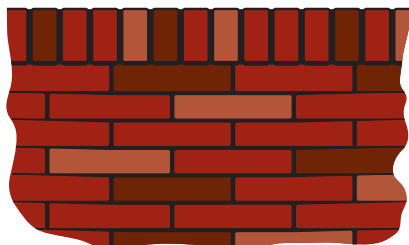


Figure 2

For a Barrier (Fence) Made Up of Horizontal and Vertical Members

If the distance between the top side of the horizontal members is less than 45 inches, the horizontal members should be on the swimming pool side of the fence.

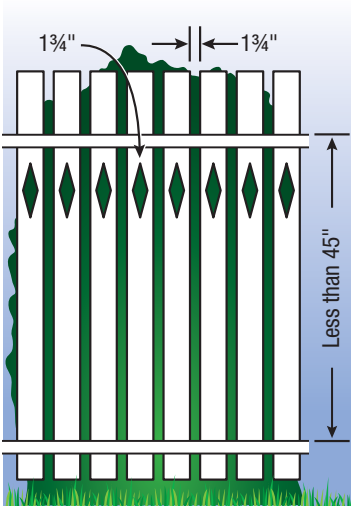


Figure 3

The spacing between vertical members and within decorative cutouts should not exceed 1 3/4 inches. This size is based on the foot width of a young child and is intended to reduce the potential for a child to gain a foothold and attempt to climb the fence.

If the distance between the tops of the horizontal members is more than 45 inches, the horizontal members can be on the side of the fence facing away from the pool. The spacing between vertical members should not exceed 4 inches. This size is based on the head breadth and chest depth of a young child and is intended to prevent a child from passing through an opening. If there are any decorative cutouts in the fence, the space within the cutouts should not exceed 1 3/4 inches.

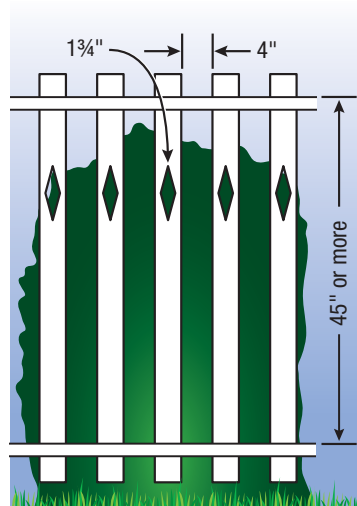


Figure 4

For a Chain Link Fence

The mesh size should not exceed $1\frac{1}{4}$ inches square unless slats, fastened at the top or bottom of the fence, are used to reduce mesh openings to no more than $1\frac{3}{4}$ inches.

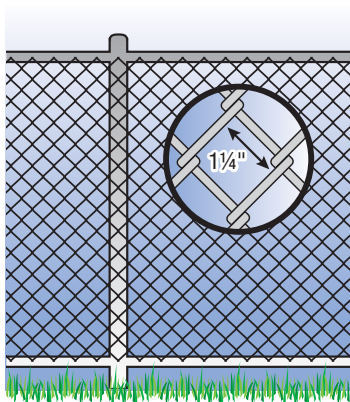


Figure 5

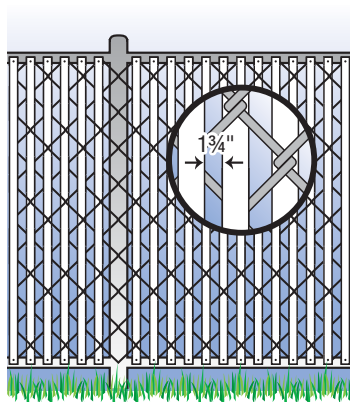


Figure 6

For a Fence Made Up of Diagonal Members or Latticework

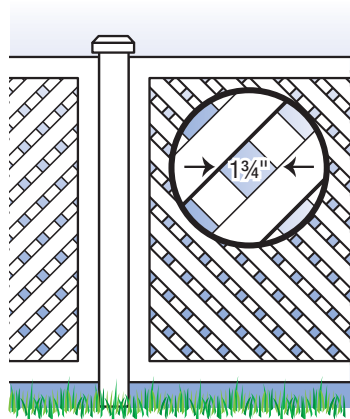


Figure 7

The maximum opening in the lattice should not exceed $1\frac{3}{4}$ inches.

For Above Ground Pools

Above ground pools should have barriers. The pool structure itself serves as a barrier or a barrier is mounted on top of the pool structure.

There are two possible ways to prevent young children from climbing up into an above ground pool. The steps or ladder can be designed to be secured, locked or removed to prevent access, or the steps or ladder can be surrounded by a barrier such as those described in these guidelines

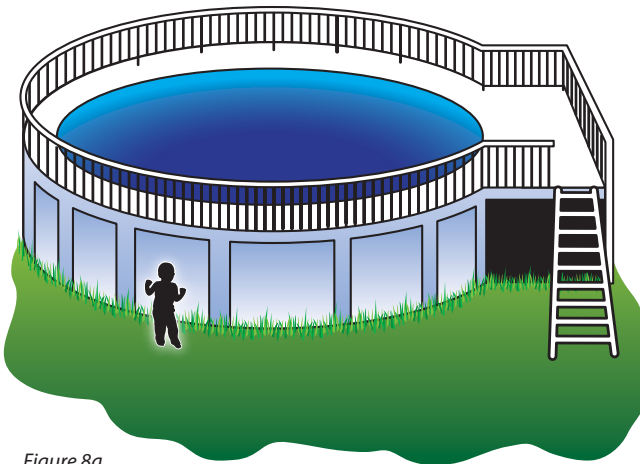


Figure 8a

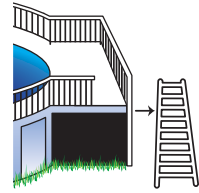


Figure 8b

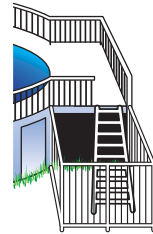


Figure 8c

Above Ground Pool with Barrier on Top of Pool

If an above ground pool has a barrier on the top of the pool, the maximum vertical clearance between the top of the pool and the bottom of the barrier should not exceed 4 inches.

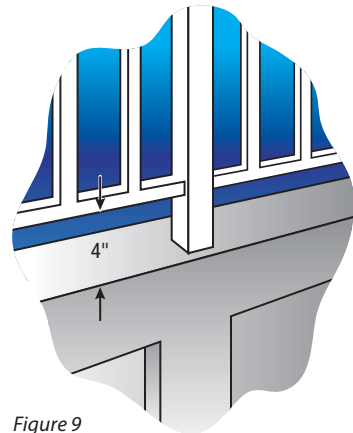


Figure 9

How to Prevent a Child from Getting UNDER a Pool Barrier

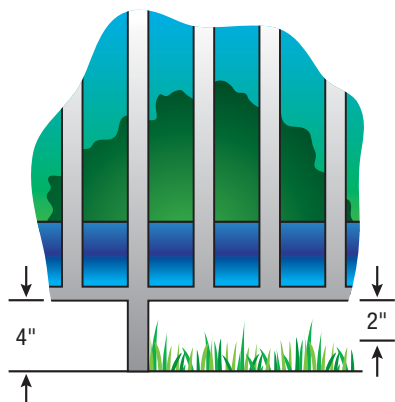


Figure 10

For any pool barrier, the maximum clearance at the bottom of the barrier should not exceed 4 inches above the surface or ground when the measurement is done on the side of the barrier facing away from the pool. Industry recommends that if the bottom of the gate or fence rests on a non-solid surface like grass or gravel, that measurement should not exceed 2 inches.

How to Prevent a Child from Getting THROUGH a Pool Barrier

Preventing a child from getting through a pool barrier can be done by restricting the sizes of openings in a barrier and by using self-closing and self-latching gates.

To prevent a young child from getting through a fence or other barrier, all openings should be small enough so that a 4-inch diameter sphere cannot pass through. This size is based on the head breadth and chest depth of a young child.

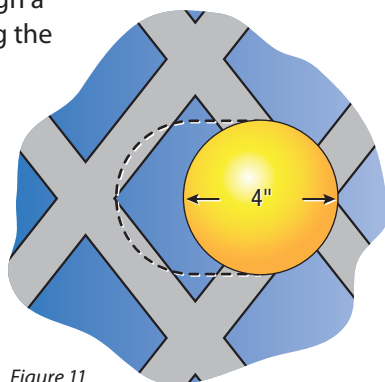


Figure 11

Portable Pools

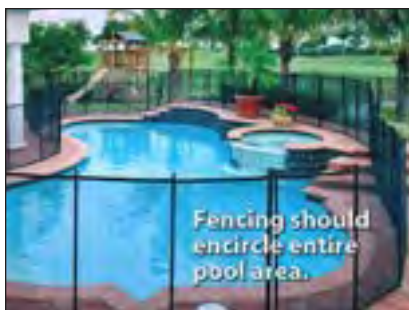


Portable pools are becoming more popular. They vary in size and height, from tiny blow-up pools to larger thousands-of-gallons designs. Portable pools present a real danger to young children.

Never leave children unsupervised around portable pools. It is recommended that portable pools be fenced, covered or emptied and stored away. Instruct neighbors, friends and caregivers about their presence and the potential dangers of a portable pool in your yard.

Removable Mesh Fences

Mesh fences are specifically made for swimming pools or other small bodies of water. Although mesh fences are meant to be removable, the safest mesh pool fences are locked into the deck so that they cannot be removed without the extensive use of tools.

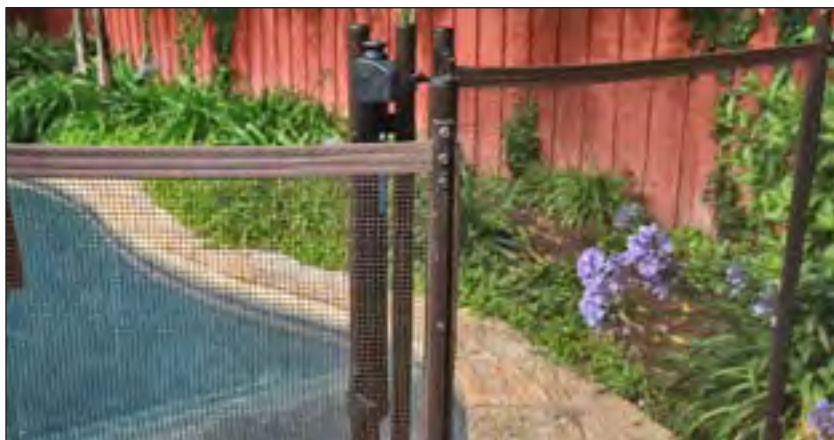


Like other pool fences, mesh fences should be a minimum of 48" in height. The distance between vertical support poles and the attached mesh, along with other manufactured factors, should be designed to hinder a child's ability to climb the fence. The removable vertical support posts should extend a minimum of 3 inches below grade and they should be spaced no greater than 40 inches apart. The bottom of the mesh barrier should not be more than 1 inch above the deck or installed surface.

For more information on Removable Mesh Fencing see ASTM standard F 2286 – 05.

Gates

There are two kinds of gates which might be found on a residential property: pedestrian gates and vehicle or other types of gates. Both can play a part in the design of a swimming pool barrier. All gates should be designed with a locking device.



Pedestrian Gates

These are the gates people walk through. Swimming pool barriers should be equipped with a gate or gates which restrict access to the pool.

Gates should open out from the pool and should be self-closing and self-latching. If a gate is properly designed and not completely latched, a young child pushing on the gate in order to enter the pool area will at least close the gate and may actually engage the latch.



Figure 12

The weak link in the strongest and highest fence is a gate that fails to close and latch completely. For a gate to close completely every time, it must be in proper working order.

When the release mechanism of the self-latching device on the gate is less than 54 inches from the bottom of the gate, the release mechanism for the gate should be at least 3 inches below the top of the gate on the side facing the pool. Placing the release mechanism at this height prevents a young child from reaching over the top of a gate and releasing the latch.

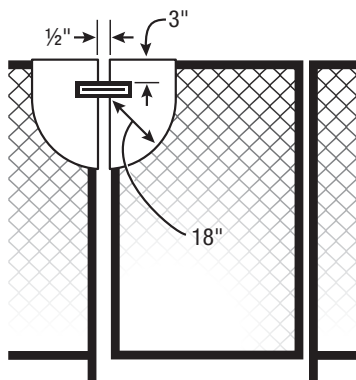


Figure 13

Also, the gate and barrier should have no opening greater than 1/2 inch within 18 inches of the latch release mechanism. This prevents a young child from reaching through the gate and releasing the latch.

All Other Gates (Vehicle Entrances, Etc.)

Other gates should be equipped with self-latching devices. The self-latching devices should be installed as described for pedestrian gates.



When the House Forms Part of the Pool Barrier

In many homes, doors open directly from the house onto the pool area or onto a patio leading to the pool. In such cases, the side of the house leading to the pool is an important part of the pool barrier. Passage through any door from the house to the pool should be controlled by security measures.

The importance of controlling a young child's movement from the house to pool is demonstrated by the statistics obtained in CPSC's submersion reports. Residential locations dominate in incidents involving children younger than 5 accounting for 85% of fatalities and 54 percent of injuries (from *CPSC's 2012 Pool and Spa Submersion Report*, see page 3).



Figure 14

Door Alarms

All doors that allow access to a swimming pool should be equipped with an audible alarm which sounds when the door and/or screen are opened. Alarms should meet the requirements of *UL 2017 General-Purpose Signaling Devices and Systems, Section 77* with the following features:

- Sound lasting for 30 seconds or more within 7 seconds after the door is opened.
- The alarm should be loud: at least 85 dBA (decibels) when measured 10 feet away from the alarm mechanism.
- The alarm sound should be distinct from other sounds in the house, such as the telephone, doorbell and smoke alarm.
- The alarm should have an automatic reset feature to temporarily deactivate the alarm for up to 15 seconds to allow adults to pass through house doors without setting off the alarm. The deactivation switch could be a touchpad (keypad) or a manual switch, and should be located at least 54 inches above the threshold and out of the reach of children.

Self-closing doors with self-latching devices could be used in conjunction with door alarms to safeguard doors which give access to a swimming pool.

Pet or Doggy Doors

Never have a pet or doggy door if the door leads directly to a pool or other backyard water. An isolation barrier or fence is the best defense when pet doors are installed. Remember, pet door openings, often overlooked by adults, provide curious children with an outlet to backyard adventure. Locking these doors is not sufficient and could lead to accidents and tragedies. Children regularly drown in backyard pools, which they were able to access through pet doors. Some municipalities have building codes that prohibit doggy doors in homes with pools unless there is an isolation fence around the pool.

Power Safety Covers

Power safety covers can be installed on pools to serve as security barriers, especially when the house serves as the fourth wall or side of a barrier. Power safety covers should conform to the specifications in the *ASTM F 1346-91 standard*, which specifies safety performance requirements for pool covers to protect young children from drowning.



Figure 15

Indoor Pools

When a pool is located completely within a house, the walls that surround the pool should be equipped to serve as pool safety barriers. Measures recommended for using door alarms, pool alarms and covers where a house wall serves as part of a safety barrier also apply for all the walls surrounding an indoor pool.

Barriers for Residential Swimming Pool, Spas, and Hot Tubs

The preceding explanations of CPSC's pool barrier guidelines were provided to make it easier for pool owners, purchasers, builders, technicians, and others to understand and apply the guidelines to their particular properties or situations. Reading the following guidelines in conjunction with the diagrams or figures previously provided may be helpful. For further information, consult your local building department or code authority.

Outdoor Swimming Pools

All outdoor swimming pools, including inground, above ground, or onground pools, hot tubs, or spas, should have a barrier which complies with the following:

1. The **top of the barrier** should be at least 48 inches above the surface measured on the side of the barrier which faces away from the swimming pool (figure 1).
2. The maximum **vertical clearance between the surface and the bottom of the barrier** should be 4 inches measured on the side of the barrier which faces away from the swimming pool. In the case of a non-solid surface, grass or pebbles, the distance should be reduced to 2 inches, and 1 inch for removable mesh fences (figures 1 and 10).
3. Where the top of the **pool structure is above grade or surface**, 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 should be 4 inches (figure 9).
4. **Openings in the barrier** should not allow passage of a 4-inch diameter sphere (figure 11).
5. **Solid barriers**, which do not have openings, such as a masonry or stone wall, should not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints (figure 2).
6. Where the barrier is composed of **horizontal and vertical members** and the distance between the bottom and top horizontal members is less than 45 inches, the horizontal members should be located on the swimming pool side of the fence (figure 3).
7. **Spacing between vertical members** should not exceed 1¾ inches in width. Where there are decorative cutouts, spacing within the cutouts should not exceed 1¾ inches in width (figure 4).
8. **Maximum mesh size for chain link fences** should not exceed 1¼ inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1¾ inches (figures 5 and 6).
9. Where the barrier is composed of **diagonal members**, such as a lattice fence, the maximum opening formed by the diagonal members should be no more than 1¾ inches (figure 7).
10. **Access gates** to the pool should be equipped with a locking device. Pedestrian access gates should open outward, away from the pool, and should be self-closing and have a self-latching device (figure 12). Gates other than pedestrian access

gates should have a self-latching device. Where the release mechanism of the **self-latching device** is located less than 54 inches from the bottom of the gate,

- (a) the release mechanism should be located on the pool side of the gate at least 3 inches below the top of the gate and
 - (b) the gate and barrier should have no opening greater than ½ inch within 18 inches of the release mechanism (figure 13).
11. Where a **wall of a dwelling** serves as part of the barrier, one of the following should apply:
- (a) **All doors with direct access to the pool** through that wall should be equipped with an **alarm** which produces an audible warning when the door and its screen, if present, are opened. Alarms should meet the requirements of *UL 2017 General-Purpose Signaling Devices and Systems, Section 77*. For more details on alarms, see page 13.
 - (b) The pool should be equipped with a **power safety cover** which complies with ASTM F1346-91 listed below.
 - (c) Other means of protection, such as **self-closing doors with self-latching devices**, are acceptable so long as the degree of protection afforded is not less than the protection afforded by (a) or (b) described above.
12. 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 (figure 8a), then
- (a) **the ladder** to the pool or steps should be capable of being secured, locked or removed to prevent access (figure 8b), or
 - (b) **the ladder or steps should be surrounded by a barrier** (figure 8c). When the ladder or steps are secured, locked, or removed, any opening created should not allow the passage of a 4 inch diameter sphere.

For more information on

Fencing:

- **ASTM F 1908-08** *Standard Guide for Fences for Residential Outdoor Swimming Pools, Hot Tubs, and Spas*: <http://www.astm.org/Standards/F1908.htm>
- **ASTM F 2286-05** *Standard Design and Performance Specifications for Removable Mesh Fencing for Swimming Pools, Hot Tubs, and Spas*: <http://www.astm.org/Standards/F2286.htm>

Covers:

- **ASTM F 1346-91** *Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs*: <http://www.astm.org/Standards/F1346.htm>

Note: ASTM Standards are available for a fee. You may want to contact a pool contractor.

And:

- **ASTM Standards**, contact ASTM online at: <http://www.astm.org/CONTACT/index.html>
- **UL** (Underwriters Laboratories) Relevant Pool and Spa Standards <http://www.ul.com/global/eng/pages/>, look for Life Safety and Security Product



CPSC's **Pool Safely: Simple Steps Save Lives** campaign provides advice and tips on drowning and entrapment prevention. Installing barriers is just one of the *Pool Safely* Simple Steps for keeping children safe around all pools and spas. Here are others:

Rule # 1: Never leave a child unattended around a pool, spa, bath tub, or any body of water.

At pools, spas, and other recreational waters:

- Teach children basic water safety skills.
- Learn how to swim and ensure your children know how to swim as well.
- Avoid entrapment by keeping children away from pool drains, pipes, and other openings.
- Have a phone close by at all times when visiting a pool or spa.
- If a child is missing, look for them in the pool or spa first, including neighbors' pools or spas.
- Share safety instructions with family, friends, babysitters, and neighbors.

If you have a pool:

- Install a 4-foot fence around the perimeter of the pool and spa, including portable pools.
- Use self-closing and self-latching gates; ask neighbors to do the same if they have pools or spas.
- If your house serves as the fourth side of a fence around a pool, install and use a door or pool alarm and/or a pool or spa cover.
- Maintain pool and spa covers in good working order.
- Ensure any pool or spa you use has anti-entrapment safety drain covers; ask your pool service representative if you do not know.*
- Have life saving equipment such as life rings, floats or a reaching pole available and easily accessible.

**The Virginia Graeme Baker Pool & Spa Safety Act, a federal law, requires all public pools and spas to have anti-entrapment drain covers and other devices, where needed. Residential pools are not required to install these but it is recommended that they do so.*

Visit **www.PoolSafely.gov** for more information. See CPSC's latest submersion reports: *Submersions Related to Non-pool and Non-spa Products, 2012* and *Pool and Spa Submersion Report, 2012*.

U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Twitter: @poolsafely

www.PoolSafely.gov

Email: poolsafely@cpsc.gov



The **first** layer of protection is **Constant Adult Supervision.**

The Pool & Hot Tub Alliance (PHTA) believes that the home pool, spa, or hot tub provides a healthy, relaxing recreational opportunity for families in their own backyard. PHTA has worked with nationally recognized safety groups to provide information to assist pool, spa, and hot tub owners in meeting their safety needs.

While the number of pools, spas, and hot tubs grows significantly each year, child drownings have been declining. Nevertheless, parents should be aware that any body of water poses a risk, especially for children under five years of age. A well-motivated toddler will eventually overcome a fence, barrier, or alarm when left unsupervised.

*Parents should know that **adult supervision is the first and best way to prevent accidents. They should maintain constant visual contact with children whenever they are near, or can get near, any body of water. Unfortunately, most accidents occur when there is a lapse in supervision, even for a short time.***

Recognizing this, PHTA supports the concept of “Layers of Protection” for pools, spas, and hot tubs—an idea that is widely embraced by safety experts. “Layers of Protection” means that, in addition to supervision, the pool, spa, or hot tub is equipped with several devices to delay a child’s unsupervised access, or warn of the child’s presence.

These layers should be aimed at protecting the area between the house and pool, since studies show that children are most at risk in their own backyard, when parents believe they are safely inside the house.

Primary barriers are devices that keep a child away from a pool, spa, or hot tub; for example, barriers that completely surround a pool, or a locking automatic safety cover. Owners should always check and comply with state and local codes and ordinances requiring fences or other barriers.



Watch your children at all times.

Other devices should always be used in combination with at least one primary barrier. PHTA suggests that all pools, spas, and hot tubs should be protected.

For aboveground pools always make sure to remove the ladder whenever the pool is not in use.

The information in this brochure lists a number of options that should be evaluated as possible components of a layered approach to safety. PHTA cannot endorse or evaluate the effectiveness of any individual product, but encourages parents to investigate several of the listed options in the context of the type of pool, spa, or hot tub they have, the ages of children likely to be in the area, and neighborhood and topographical factors. Some of the products listed here are new and represent significant technological advances over what was available just a few years ago.

For additional information, see ANSI/APSP/ICC-8 Model Barrier Code for Residential Swimming Pools, Spas, and Hot Tubs, and the International Swimming Pool and Spa Code (ISPSC).

*Don't be lulled into a false sense of security. PHTA reminds parents that these options are backups to the primary means of accident prevention: **Constant Adult Supervision.***



Layers of Protection Start with You.

Members of the Pool & Hot Tub Alliance (PHTA)

are committed to the safe use and enjoyment of pools, spas, and hot tubs, and adhere to a code of business ethics.

To maximize your enjoyment, deal with an PHTA member firm. To locate an PHTA member in your area, visit www.PHTA.org/memberlocator.

For more free consumer safety information, visit:

www.PHTA.org
www.PoolSafely.gov
www.CDC.gov/healthywater/swimming



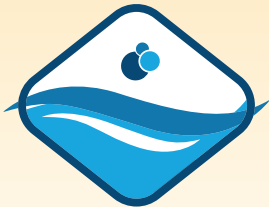
To Help Protect Pool, Spa, and Hot Tub Users—Especially Children Under Five Years of Age



POOL & HOT TUB ALLIANCE

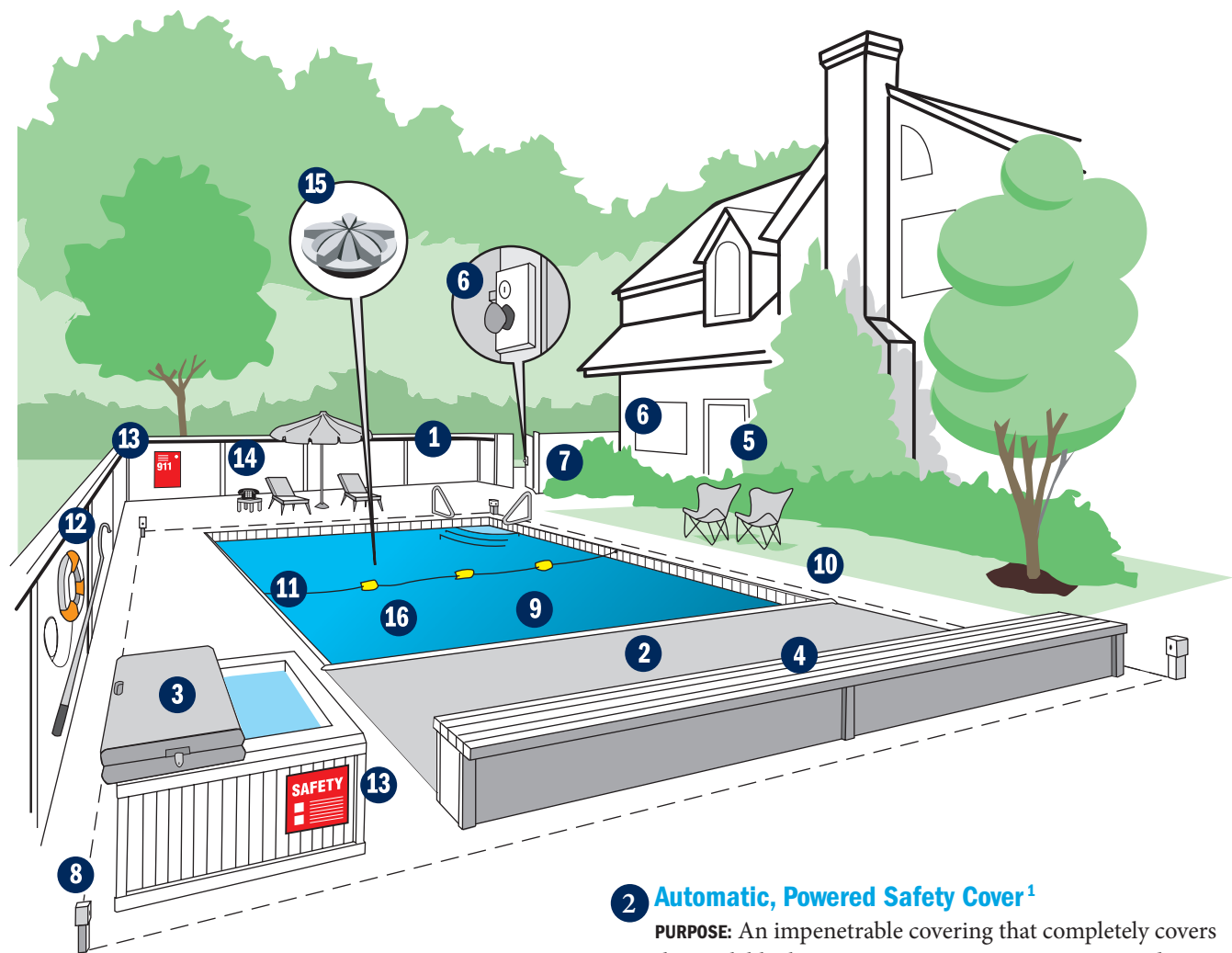
2111 Eisenhower Avenue, Suite 500
Alexandria VA 22314

4775 Granby Circle
Colorado Springs, CO 80919



POOL & HOT TUB ALLIANCE

PHTA reminds parents that these barriers and devices are not a substitute for Constant Adult Supervision.



1 Fencing¹
PURPOSE: Designed to isolate the pool or spa with a minimum 4-foot-high (122-cm-high) enclosure. Where the dwelling forms one of the sides, and there are doors or windows leading from the dwelling to the pool area, one or more additional methods should be used. Fences must be non-climbable, have self-closing and self-latching gates, and comply with state and/or local requirements.
TYPES: Can include chain link, wooden picket, mesh, or other materials as permitted by local code. In some cases, natural topography can provide part of the barrier.

2 Automatic, Powered Safety Cover¹
PURPOSE: An impenetrable covering that completely covers the pool, blocking access to water. Cover is operated electronically or by a key, independent of all other pool equipment. If relied on as the primary safety barrier, the cover should be always be closed and locked whenever the pool or spa is not in use.
TYPES: Must meet ASTM F1346 Standard performance specification for safety covers and labeling requirements for all covers for swimming pools, spas, and hot tubs

¹ Primary barrier ² Secondary barrier ³ Additional devices
Secondary barriers and additional devices should be used in combination with at least one primary barrier.

- 3 Lockable Hot Tub Safety Cover¹**
PURPOSE: Factory-built hot tubs are typically equipped with a lockable safety cover. If relied on as the primary safety barrier, the cover should be always be closed and locked whenever the hot tub is not in use.
TYPES: Must meet ASTM F1346 Standard
- 4 Manual Pool or Spa Safety Cover²**
PURPOSE: An impenetrable covering that completely covers the pool, spa, or hot tub, blocking access to water.
TYPES: Must meet ASTM F1346 Standard
- 5 Door, Screen, or Window Alarms²**
PURPOSE: Sounds when the door, screen, or window is opened.
TYPES: Should be listed in compliance with UL 2017. The deactivation switch should be located at least 48–54 inches (122–137 cm) above the door threshold.
- 6 Self-closing/self-latching devices for doors and latching devices for windows²**
PURPOSE: Keeps all doors and windows leading to the pool, spa, or hot tub area securely closed, limiting access by children.
TYPES: a. Hinge pin replacement; b. Sliding glass door closer; c. Swing arm
- 7 Fence Gate Alarm³**
PURPOSE: Sounds when fence gate is open.
- 8 Infrared Detectors³**
PURPOSE: Wireless detection alarm that sounds when the area around the pool perimeter is entered.
TYPES: a. Light-beam; b. Body energy
- 9 Pool Alarm³**
PURPOSE: An alarm placed in the pool that sounds upon detection of accidental or unauthorized entrance into the water.
TYPES: a. Surface water (wave motion); b. Pressure waves (acoustic); c. Electronic monitoring system
- 10 Child Alarm³**
PURPOSE: An alarm clipped on the child that sounds when the child exceeds a certain distance or is submerged in water.
TYPE: Clip-on transmitter with in-home receiver

- 11 Rope & Float Line³**
PURPOSE: Intended to warn children and non-swimmers of a change in the slope of the pool floor toward deeper water. Rope lines should remain in place, especially when children or non-swimmers are using the pool.
- 12 Life Ring, Shepherd's Hook³**
All rescue equipment should be placed near the pool in an easily accessible spot, and should be kept in good condition. These can be used to pull someone in trouble to safety.
- 13 Posted Emergency Information³**
Post all CPR, other emergency information, and warning signs, as well as the emergency phone number (911 or other emergency medical service number), near the pool, spa, or hot tub.
- 14 Outside Telephone³**
A cordless or poolside telephone means parents don't have to leave children unattended while they answer the phone. Also, it's a good idea to have one handy to summon help, if needed.
- 15 Anti-Entrapment Drain Covers and Fittings**
Current grates and covers help prevent body or hair entrapment. Make sure that drain covers meet the latest revision of ANSI/APSP-16. Safety doors should be installed in all pool cleaner wall suction lines.

Never allow children to play in or near drains, suction outlets, or jets. Pools, spas or hot tubs with drain covers that are broken, missing, or not adequately secured, should not be used until the proper replacement has been installed.
There is no backup layer of protection for a missing or broken drain cover, that will protect against all types of suction entrapment.
- 16 Water Clarity**
Clear water aids in identifying soakers and swimmers in distress, helps swimmers avoid collisions, and is an indicator that the sanitizer and circulation and filtration systems are working. Poor water clarity suggests the presence of bacteria and/or algae or nutrients for their growth, and that the circulation and filtration systems may not be working efficiently to remove contaminants from the water.

EXHIBIT B

FENCE - PROPOSED ZONING ORDINANCE RELATED LANGUAGE, SECTION IV: *(in red and highlighted yellow)*

For reference:

- Zoning Ordinance Section XIV defines a fence as “a structure which is a barrier and is used as a boundary or means of protection or confinement, which is made of manufactured material.”
- 2012 IRC Appendix G defines a barrier as “a fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.”
- 2012 ISPSC defines a barrier as “a permanent fence, wall, building wall, or combination thereof that completely surrounds the aquatic vessel and obstructs the access to the vessel. Permanent shall mean ‘not being able to be removed, lifted, or relocated without the use of a tool.’”

I. PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES - LOCATION & REGULATION

33. Swimming Pools (Private)

Swimming pools (private) may be located in a rear buildable area and are also permitted in the required rear yard, but not closer than 10 feet to the rear lot line. **Section IV.J details fence requirements for outdoor swimming pools.**

J. FENCES

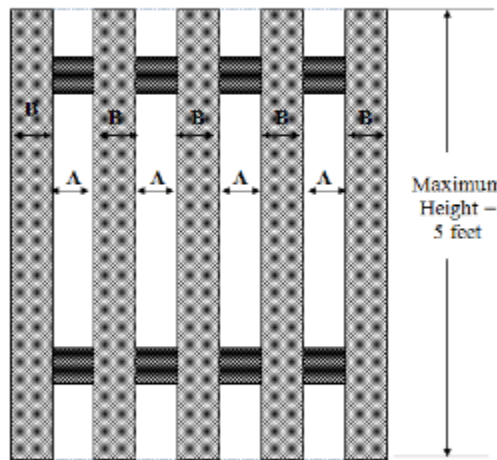
Fences are permitted and may be obstructions in yards (for purposes of this Section the term "yards" shall not be limited to the required yards set forth in this Zoning Ordinance but also shall include all unobstructed open areas on a lot) or courts as regulated herein.

1. Fences, Open -- in residence districts only

1. Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
2. Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)
3. All fence posts and all supports must face the interior of the property on which it is located.

4. Chain link, solid, barbed wire and fences which are electrically charged to produce a shock when touched are specifically prohibited.
5. All fences in residential districts shall be open fences as defined by Section XIV and as depicted below (Amended by Ordinances A-834-09-01 and A-834-13-11). Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.

Figure IV.J.1.e Graphic Definition of Open Fence



“A” must be equal to or greater than “B”

2. Fences -- in non-residence districts

Fences in non-residential districts, unless specifically required by other provisions of this Ordinance, may only be provided if they comply with the following provisions:

1. Fences in non-residential districts, unless otherwise required by this Ordinance, shall be considered special uses and shall be subject to compliance with Section XIII.K of this Ordinance except as modified herein.
2. The standards for consideration of a special use pertaining to a non-residential fence shall be limited to the standards referenced as b, c, d, and h in Section XIII.K.7 of this Ordinance and reiterated as follows:
 1. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.

2. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood in which it is to be located.
 3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 4. The special use shall, in other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission or, if applicable, the Zoning Board of Appeals.
3. The location, height, design, and type of fence shall comply with the standards for residential fences contained in Section IV.J.1 above, except as may be specifically authorized by conditions for approval of the special use.

3. Fences for Swimming Pools

An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, shall be surrounded by a permanent fence, wall, building wall, or combination thereof that completely surrounds and obstructs the access to the swimming pool. The fence shall also comply with Building Ordinance regulations including but not limited to height, openings, and access gates. A hot tub or spa does not require a fence but must adhere to Building Code barrier regulations including but not limited to requiring a safety cover which complies with ASTM F1346.

NO FENCE - PROPOSED ZONING ORDINANCE RELATED LANGUAGE, SECTION IV: (in red and highlighted yellow)

For reference:

- Zoning Ordinance Section XIV defines a fence as “a structure which is a barrier and is used as a boundary or means of protection or confinement, which is made of manufactured material.”
- 2012 IRC Appendix G defines a barrier as “a fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.”
- 2012 ISPSC defines a barrier as “a permanent fence, wall, building wall, or combination thereof that completely surrounds the aquatic vessel and obstructs the access to the vessel. Permanent shall mean ‘not being able to be removed, lifted, or relocated without the use of a tool.’”

I. PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES - LOCATION & REGULATION

33. Swimming Pools (Private)

Swimming pools (private) may be located in a rear buildable area and are also permitted in the required rear yard, but not closer than 10 feet to the rear lot line.

J. FENCES

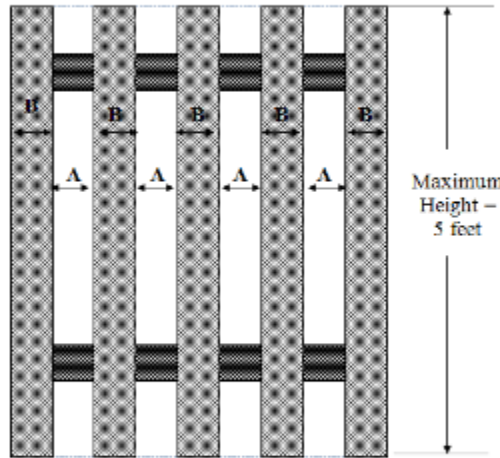
Fences are permitted and may be obstructions in yards (for purposes of this Section the term "yards" shall not be limited to the required yards set forth in this Zoning Ordinance but also shall include all unobstructed open areas on a lot) or courts as regulated herein.

1. Fences, Open -- in residence districts only

1. Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
2. Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)
3. All fence posts and all supports must face the interior of the property on which it is located.
4. Chain link, solid, barbed wire and fences which are electrically charged to produce a shock when touched are specifically prohibited.

5. All fences in residential districts shall be open fences as defined by Section XIV and as depicted below (Amended by Ordinances A-834-09-01 and A-834-13-11). Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.

Figure IV.J.1.e Graphic Definition of Open Fence



“A” must be equal to or greater than “B”

2. Fences -- in non-residence districts

Fences in non-residential districts, unless specifically required by other provisions of this Ordinance, may only be provided if they comply with the following provisions:

1. Fences in non-residential districts, unless otherwise required by this Ordinance, shall be considered special uses and shall be subject to compliance with Section XIII.K of this Ordinance except as modified herein.
2. The standards for consideration of a special use pertaining to a non-residential fence shall be limited to the standards referenced as b, c, d, and h in Section XIII.K.7 of this Ordinance and reiterated as follows:
 1. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
 2. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood in which it is to be located.

3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. The special use shall, in other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission or, if applicable, the Zoning Board of Appeals.
3. The location, height, design, and type of fence shall comply with the standards for residential fences contained in Section IV.J.1 above, except as may be specifically authorized by conditions for approval of the special use.

3. Fences for Swimming Pools

A hot tub or spa does not require a fence but must adhere to Building Code barrier regulations including but not limited to requiring a safety cover which complies with ASTM F1346. In-ground or on-ground swimming pools with a powered safety cover that complies with ASTM F1346 and with an alarm are not required to have a fence. An above-ground swimming pool which is at least 48" in height or where the barrier is mounted on top of the pool must secured, locked, or removable ladder to prevent access. An outdoor in-ground or on-ground swimming pool which does not have a powered safety cover and alarm shall be surrounded by a permanent fence, wall, building wall, or combination thereof that completely surrounds and obstructs the access to the swimming pool. The fence shall also comply with Building Ordinance regulations including but not limited to height, openings, and access gates.



Z-07-2023: Request to consider a text amendment to Sections IV, VI, VIII, and XIV.B of the Zoning Ordinance to regulate short-term rental use.

Prepared for: Village of Burr Ridge Plan Commission/Zoning Board of Appeals
Greg Trzupek, Chairman

Petitioner: Village of Burr Ridge

Prepared by: Janine Farrell, Community Development Director

Date of Hearing: August 7, 2023

On November 22, 2021, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments to regulate short-term rental use. Short-term rental use is loosely defined as renting out a property for less than a 30-day period. These rentals are typically offered on online platforms such as Airbnb and VRBO and have become an increasingly common alternative to other accommodations, like a hotel, for people traveling. In the Village, there has not been widespread reported short-term rental use, but there have been complaints received over the past few years of single-family residences rented out for short durations or as “party houses,” where a home with amenities like a pool is rented for the day.

Although there are no regulations directly addressing short-term rentals, they are prohibited under current Zoning Ordinance regulations. Short-term rentals are most closely classified as hotel or motel use which is prohibited in single-family residential districts. Short-term rentals also violate the Home Occupation regulations. Any new regulations specifically for short-term rentals may be added to Zoning Ordinance sections IV, VI, VIII, and XIV.B, depending on the Plan Commission's direction. Regulating short-term rentals is a method to help the community protect public health, safety, traffic control, and general welfare.

Neighboring Municipality Research:

Staff researched neighboring municipalities to check their regulations for short-term rentals. Of the seven municipalities surveyed, all but one prohibited short-term rentals.

Municipality	Regulation
Darien	Prohibited - Ordinance NO. O-11-23
Hinsdale	Prohibited – Home occupation ordinance precludes.
Indian Head Park	Prohibited
Oakbrook Terrace	Prohibited - Ordinance NO. O-11-23
Oakbrook	Prohibited - Working on an ordinance.
Willowbrook	Prohibited

Willow Springs	Permitted – Requires licensing, application, building and premises requirements, and inspection.
----------------	--

Proposed Language:

The proposed text amendment considers adding additional language for the following sections:

- Section XIV.B Rules and Definitions: To permit or prohibit a short-term rental, the use should be defined. An example of a definition is, “*a single-family dwelling, residential dwelling unit in a multi-unit structure, condominium, cooperative, timeshare or similar joint property ownership arrangement that is rented for a fee for less than 30 days.*”
- To Prohibit
 - Section IV, General Regulations: This section contains provisions related to Home Occupations. The Plan Commission may wish to add a prohibition of short-term rentals within this section of the Zoning Ordinance.
- To Permit
 - Sections IV General Regulations, VI Residence Districts, VIII Business Districts: If short-term rentals are permitted, the use would need to be added as permitted or a special use in the Residential or Business Districts and supplemental regulations added under General Regulations. Additionally, staff recommends licensing and inspection regulations be added under the Municipal Code.

Formal language has not been proposed for adoption in this staff report. Staff is seeking direction from the Plan Commission at this initial public hearing and will prepare draft language based upon that discussion.

Findings of Fact

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

Attachments

- Exhibit A – Petitioner’s Materials and Findings of Fact



VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): Janine Farrell, Community Development Director
Village of Burr Ridge

STATUS OF PETITIONER: Village of Burr Ridge/municipality

PETITIONER'S ADDRESS: 7660 S. County Line Road, Burr Ridge, IL 60527

ADDRESS OF SUBJECT PROPERTY: N/A

PHONE: (630) 654-8181 x. 6100

EMAIL: jfarrell@burr-ridge.gov

PROPERTY OWNER: N/A

PROPERTY OWNER'S ADDRESS: N/A PHONE: N/A

PUBLIC HEARING REQUESTED: ☐ Special Use ☐ Rezoning ☒ Text Amendment ☐ Variation(s)

DESCRIPTION OF REQUEST:

Request to amend sections IV, VI, VIII, and XIV.B of the Zoning Ordinance to regulate short-term rental use.

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: N/A EXISTING ZONING: N/A

EXISTING USE/IMPROVEMENTS: N/A

SUBDIVISION: N/A

PIN(S) # N/A

The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition.

Janine Farrell
Petitioner's Signature

2/14/23
Date of Filing



**FINDINGS OF FACT
FOR AN AMENDMENT TO THE
VILLAGE OF BURR RIDGE ZONING ORDINANCE**

Section XIII.J of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings in order to recommend a text amendment to the Zoning Ordinance. The petitioner must respond to and confirm each of the following findings by indicating the facts supporting such findings.

- a. The amendment is compatible with other standards and uses of the Zoning Ordinance;

Currently, short-term rental use at a residential property is classified as a home occupation and is not permitted. Section IV of the Zoning Ordinance details home occupations, section VI the permitted/special uses in residence districts, section VIII the permitted/special uses in business districts where mixed-use residential is located, and section XIV.B definitions. These sections may be updated to have a definition and/or codify the short-term rental use, including supplemental regulations.

- b. The amendment fulfills the purpose and intent of the Zoning Ordinance;

By codifying a short-term rental use, this fulfills the purpose and intent of the Zoning Ordinance to define and regulate uses in different zoning districts.

(Please transcribe or attach additional pages as necessary)

Z-07-2023 SHORT-TERM RENTAL USE

ZONING ORDINANCE SECTIONS IV, VI, VIII, AND XIV.B

Short-term rental use, loosely defined as renting out a property for less than a 30-day period, is currently not codified within the Zoning Ordinance. As such, new regulations may be added to the following sections, depending on Plan Commission direction.

IV General Regulations

https://burrridge.municipalcodeonline.com/book?type=zoning#name=IV_GENERAL_REGULATIONS

This section of the Zoning Ordinance contains provisions related to Home Occupations. Currently, short-term rental use at a residential property is classified as a home occupation and is not permitted. This section of the Zoning Ordinance may need to be amended.

VI Residence Districts

https://burrridge.municipalcodeonline.com/book?type=zoning#name=VI_RESIDENCE_DISTRICTS

This section of the Zoning Ordinance contains provisions for all residential districts, including permitted and special uses. This section of the Zoning Ordinance may need to be amended to include short-term rentals.

VIII Business Districts

https://burrridge.municipalcodeonline.com/book?type=zoning#name=VIII_BUSINESS_DISTRICTS

This section of the Zoning Ordinance contains provisions for the Business Districts (B-1 and B-2). The Village Center condos are located within a B-2 zoning district, more specifically within a PUD. This section of the Zoning Ordinance may need to be amended.

XIV.B Rules and Definitions

https://burrridge.municipalcodeonline.com/book?type=zoning#name=XIV_RULES_AND_DEFINITIONS

This section of the Zoning Ordinance contains definitions and may need to be amended to define a short-term rental.



Z-08-2023: Request to consider a text amendment to Section XIV.B of the Zoning Ordinance to amend the definition of “Family.”

Prepared for: Village of Burr Ridge Plan Commission/Zoning Board of Appeals
Greg Trzupek, Chairman

Petitioner: Village of Burr Ridge

Prepared by: Janine Farrell, Community Development Director

Date of Hearing: August 7, 2023

On May 22, 2023, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments to amend the definition of “Family” to reduce the amount of unrelated people residing together.

Current Regulations:

Under current Zoning Ordinance regulations, section XIV.B contains a definition for “family” as follows: *Two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit within a dwelling unit, including foster children, domestic servants, and not more than two guests or roomers. The word "family" shall also include not more than five (5) unrelated persons living together as a single housekeeping unit.*

This means that in a single-family residential district and dwelling, five unrelated individuals could reside together. In Zoning Ordinance section VI, the R-1, R-2, R-2A, R-2B, and R-3 zoning districts are all single-family residential. In the Village, there have been code enforcement issues where an owner rents out individual rooms to different unrelated people, thereby operating a lodging/boarding/rooming house. While that use is defined in the Zoning Ordinance, it is not specified as a permitted or special use in any zoning district and would therefore be prohibited in the residential zoning districts. It is important to note that these types of lodging situations often do not have signed lease agreements or proof of renting out rooms which poses an enforcement challenge. Restricting the number of unrelated individuals residing together in a home is a method to help prevent single-family residences from becoming lodging houses.

- **LODGING HOUSE (including BOARDING and ROOMING HOUSE):** A residential building, or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms which accommodate three or more persons who are not members of the keeper's family and where lodging, with or without meals, is provided for compensation on a weekly or monthly basis.
- **LODGING ROOM (ROOMING UNIT):** A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a

suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purpose of this Ordinance.

Neighboring Municipality Research:

Staff researched neighboring municipalities and how many unrelated people are permitted to reside together under their definitions of "family." Of the six municipalities surveyed, one permitted up to two unrelated individuals, three permitted up to three, and two permitted up to five (Burr Ridge current regulations).

Municipality	Regulation
Darien	An individual, <u>two (2) unrelated persons</u> or two (2) or more persons related to the other by blood, marriage, legal adoption, or legal custody, including his or their domestic servants, maintaining a common household in a dwelling unit.
Hinsdale	One or more persons related by blood, marriage, legal adoption, or guardianship, or <u>not more than three (3) persons not so related</u> , together with gratuitous guests and domestic servants, living together as a single housekeeping unit.
Indian Head Park	One or more persons occupying premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but <u>no unrelated group shall consist of more than five persons</u> , as distinguished from a group occupying a duly licensed rooming house.
Oakbrook	One person or two (2) or more persons each related to the other by blood, marriage or legal adoption, or <u>a group of not more than three (3) persons not all so related</u> , together with his or their domestic servants, maintaining a common household in a dwelling unit. A family may include, in addition thereto, not more than two (2) roomers, boarders or permanent guests - whether or not gratuitous.
Willowbrook	One or more persons as related to the other by blood, marriage, guardianship or adoption, or <u>a group of not more than three (3) persons not so related</u> , together with his or her domestic servants, maintaining a common household in a dwelling unit, or a group of not more than six (6) handicapped individuals, as defined in title VIII of the United States Civil Rights Act of 1968, as amended, together with their domestic servants

	and attendants, maintaining a common nonprofit household in a dwelling unit.
Willow Springs	Excepting domestic employees, any number of persons related by blood, marriage or adoption or <u>not to exceed five (5) persons not so related</u> , living together in a room or rooms comprising a single housekeeping unit.

Proposed Language:

In addition to reducing the number of unrelated people residing together, the Plan Commission may also wish to review the provision, “*and not more than two guests or roomers.*” This would mean, for example, that a family of six (mother, father, and four children) could rent out rooms to two additional unrelated people. The Plan Commission may wish to strike “*roomers*” from that sentence since that indicates payment or renting a room. The Plan Commission may also wish to clarify “*guests*” as “*gratuitous guests*,” like Hinsdale’s definition of family.

The following text amendment is proposed for the definition of “family,” with the amended language in red: *Two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit within a dwelling unit, including foster children, domestic servants, and ~~not more than two~~ gratuitous guests-or-roomers. The word "family" shall also include not more than three (3) unrelated persons living together as a single housekeeping unit.*

Findings of Fact

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

Attachments

- Exhibit A – Petitioner’s Materials
 - Application
 - Findings of Fact



VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): Janine Farrell, Community Development Director
Village of Burr Ridge

STATUS OF PETITIONER: Village of Burr Ridge/municipality

PETITIONER'S ADDRESS: 7660 S. County Line Road, Burr Ridge, IL 60527

ADDRESS OF SUBJECT PROPERTY: N/A

PHONE: (630) 654-8181 x. 6100

EMAIL: jfarrell@burr-ridge.gov

PROPERTY OWNER: N/A

PROPERTY OWNER'S ADDRESS: N/A PHONE: N/A

PUBLIC HEARING REQUESTED: ☐ Special Use ☐ Rezoning ☒ Text Amendment ☐ Variation(s)

DESCRIPTION OF REQUEST:

Request to amend section XIV.B of the Zoning Ordinance to amend the definition of "Family" to reduce the number of unrelated persons residing together in a single dwelling unit

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: N/A EXISTING ZONING: N/A

EXISTING USE/IMPROVEMENTS: N/A

SUBDIVISION: N/A

PIN(S) # N/A

The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition.


Petitioner's Signature

5/23/23
Date of Filing



**FINDINGS OF FACT
FOR AN AMENDMENT TO THE
VILLAGE OF BURR RIDGE ZONING ORDINANCE**

Section XIII.J of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings in order to recommend a text amendment to the Zoning Ordinance. The petitioner must respond to and confirm each of the following findings by indicating the facts supporting such findings.

- a. The amendment is compatible with other standards and uses of the Zoning Ordinance;

Section XIV.B of the Zoning Ordinance contains a definition of "family" as follows: "Two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit within a dwelling unit, including foster children, domestic servants, and not more than two guests or roomers. The word "family" shall also include not more than five (5) unrelated persons living together as a single housekeeping unit." Reviewing and evaluating the regulation in light code enforcement issues is recommended to ensure that the definition of "family" and number of unrelated persons is compatible with single-family uses and districts.

- b. The amendment fulfills the purpose and intent of the Zoning Ordinance;

As stated previously, there already exists a definition of "family" which includes a number of unrelated persons. By reviewing this number, it ensures compliance with the purpose and intent of the single-family residential districts in the Zoning Ordinance.

(Please transcribe or attach additional pages as necessary)

Z-08-2023 UNRELATED PERSONS ZONING ORDINANCE SECTION XIV.B

Under current Zoning Ordinance regulations, a “family” can also include not more than five unrelated persons living together. This would mean that five unrelated individuals could reside together within a single-family residence (or dwelling/dwelling-unit). In Zoning Ordinance section VI, the R-1, R-2, R-2A, R-2B, and R-3 zoning districts are all single-family residential.

Selected definitions from Zoning Ordinance section XIV.B:

[https://burrridge.municipalcodeonline.com/book?type=zoning#name=XIV RULES AND DEFINITIONS](https://burrridge.municipalcodeonline.com/book?type=zoning#name=XIV_RULES_AND_DEFINITIONS)

- **FAMILY:** Two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit within a dwelling unit, including foster children, domestic servants, and not more than two guests or roomers. The word "family" shall also include not more than five (5) unrelated persons living together as a single housekeeping unit.
- **DWELLING:** A building, or portion thereof, designed or used exclusively for residential occupancy (including home occupations allowed under this Ordinance), including single-family dwellings, two-family dwellings, semi-detached and attached dwellings, multiple family dwellings and townhouses, but not including mobile or motor homes, hotels, motels or lodging houses.
- **DWELLING UNIT:** Any room or group of rooms located within a building, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family, and which shall include permanently installed complete kitchen and bath facilities.



VILLAGE OF BURR RIDGE

MEMORANDUM

TO: Village of Burr Ridge Plan Commission
Greg Trzupek, Chairman

FROM: Janine Farrell, AICP
Community Development Director

DATE: August 7, 2023

RE: Board Report

The Board of Trustees took the following actions relative to matters forwarded from the Plan Commission on July 24, 2023:

- **Z-09-2023: 6880 N. Frontage Rd. (Premier Burr Ridge LLC)**
 - The Board directed staff to prepare an Ordinance amending a special use permit for a child care center, permitting expansion of the use. The recommendation was unchanged from the Plan Commission.
- **Z-05-2003: The Villas of Lakeside Pointe (McNaughton Development)**
 - Prior to the Board meeting, the petitioner withdrew the petition.