



**REGULAR MEETING  
PLAN COMMISSION/ZONING BOARD OF APPEALS  
MAY 1, 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 APRIL 17, 2023 MEETING MINUTES**

**III. PUBLIC HEARINGS**

- A. 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, 2023]**

***REQUEST BY PETITIONER TO CONTINUE UNTIL MAY 15, 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. The petitioner is proposing a 15-unit townhome development called The Villas of Lakeside Pointe.

- B. Z-02-2023: 60 Shore Drive (Naddaf – Coda Motors); Special Use Amendment, Special Use, and Findings of Fact**

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.

- C. Z-06-2023: Zoning Ordinance Amendments for Swimming Pool Fences (Village of Burr Ridge); Text Amendment and Findings of Fact**

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.

**IV. CORRESPONDENCE**

**A. Board Reports**

No report - April 24, 2023 Board meeting was canceled.

**B. Building Reports**

No report

**V. OTHER CONSIDERATIONS**

**VI. PUBLIC COMMENT**

**VII. FUTURE MEETINGS**

**May 8 Village Board (moving to 6:30p start time for all Board meetings going forward)**

Commissioner Morton is the scheduled representative.

**May 15 Plan Commission**

A. 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 and MAY 1, 2023]

**May 22 Village Board**

Chairman Trzupek is the scheduled representative.

**June 5 Plan Commission**

There are currently no cases scheduled. The deadline for publication is May 12.

**June 12 Village Board**

Commissioner Broline is the scheduled representative.

**June 19 Plan Commission**

There are currently no cases scheduled. The deadline for publication is May 22.

**June 26 Village Board**

Commissioner Petrich is the scheduled representative.

**VIII. ADJOURNMENT**

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

**I. ROLL CALL**

The meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:03 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:** 8 – Irwin, McCollian, Parrella, Petrich, Broline, Stratis, Morton, and Trzupek

**ABSENT:** 0

Community Development Director Janine Farrell was also present.

**II. APPROVAL OF PRIOR MEETING MINUTES – MARCH 20, 2023**

A **MOTION** was made by Commissioner Parrella and **SECONDED** by Commissioner Irwin to approve the minutes of the March 20, 2023 meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Parrella, Irwin, McCollian, Petrich, Broline, Stratis, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 – Morton

**MOTION CARRIED** by a vote of 7-0 with one 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-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**

Jim Olguin, the attorney for the petitioner, requested that the case be continued until the next meeting. Chairman Trzupek noted that the case is being continued since the ownership of the outlots on Lakeside Pointe is in question and is under review by legal counsel.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Morton to continue Z-05-2023 to May 1, 2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 8 – Stratis, Morton, Irwin, McCollian, Parrella, Petrich, Broline, and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 8-0.

George Spindler, 7344 Lakeside Circle, approached the podium. John Barry, the petitioner with McNaughton Development, questioned why public comment is being taken since the petition was continued. Chairman Trzupek stated that the public hearing for the petition was continued until May and that the general public comments are usually made at the end of the meeting but could be made now. Mr. Spindler stated that this is a sliver of land on the Lakeside Pointe subdivision being added to the other parcel which is a flag lot.

**A. PC-04-2023: 720-730 Village Center Drive (Pella Restaurant); Minor Change to a PUD and Findings of Fact**

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated that the request is to consider a minor change to the PUD which was approved in 2021 for the addition. Director Farrell presented an aerial view for the Commissioners and noted the different building elevations. In 2021, Pella Restaurant was approved to build the three-season room as shown in the visual images presented. The east and southeast elevation renderings show a reddish brick. Director Farrell stated that the south elevation was not shown and that the west elevation, which is the main entrance, was shown as an off-white brick. Director Farrell noted it was unclear if Pella intended to paint this façade in their original proposal or if this was the original brick color. Pella is now planning to paint all the facades which is considered a minor change to the PUD. The Plan Commission may determine it to be a major change which would require a public hearing. The petitioner provided additional documents including more information about the paint type being used. The petitioner also provided findings of fact which are included in the report. Should the Commission recommend approval of the request, there is just one recommended condition that the painting will substantially comply with the submitted plans.

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

Stan Tomala, representing the owner of Pella Restaurant, stated that not mentioning the painting was an omission in their original proposal. The painting will complement the whole building and restaurant. He also provided additional information about the paint being used and how it releases moisture.

Chairman Trzupek supported painting the inside of the addition but does not support painting all the exterior brick since it is a maintenance issue. Chairman Trzupek stated that the individual storefronts were intended to be changed, but if the change goes beyond the storefront area, it is more than a minor PUD change.

Commissioner Irwin also took issue with the painting of the exterior brick and is concerned about the longevity of the restaurant.

Kristy Tramontana, representative of Village Center ownership, stated that Doug Pollock approved of the painting of Hampton Social. Chairman Trzupek stated that the Commission did not approve painting Hampton Social and that was an issue. Ms. Tramontana stated that the landlord supports the painting of the brick and was so confident in Pella Restaurant that they issued a 99-year lease.

Commissioner McCollian had no questions.

Commissioner Parrella agreed with Chairman Trzupek and had no questions.

Commissioner Petrich agreed that painting the brick inside of the addition is acceptable but is not in favor of painting the brick outside of the addition.

Ms. Tramontana clarified that units 720 and 730 are occupied by Pella, but it is not all being painted since there is a natural break in the façade with a column near Eddie Bauer. Mr. Tomala stated that the restaurant needs a brand and street presence for the employee entrance. Ms. Tramontana stated that the landlord does not want the space to look vacant. Mr. Tomala discussed the canopy extension.

Chairman Trzupek commented that the canopy shown on the original plans did not go along the other side of entrance.

Commissioner Petrich did not support the canopy extension.

Commissioner Broline had no comment.

Commissioner Stratis agreed that the exterior brick should not be painted and stated that it is not within the Village Center brand. Commissioner Stratis supported painting the interior of the addition only.

Commissioner Morton remembered when the Village Center was first proposed there were concerns about the aesthetics of the building and he does not support painting brick. Commissioner Morton did not want to comment on the extension of the canopy since it was not in the information packet.

Chairman Trzupek did not approve of the canopy extension.

Mr. Tomala would like the restaurant owner to be present since they were expecting the brick to be painted and said that denying the painting would delay construction.

Chairman Trzupek reiterated that he approves of painting within the addition and on the pre-cast but not outside of the addition.

Commissioner Stratis asked for clarification on the base term of the lease and the rights to terminate. Ms. Tramontana stated that the base term is 25 years with rights to terminate.

Ms. Tramontana asked about the requirements for awnings and whether they all require Plan Commission approval. Chairman Trzupek explained that his comments are referring to the drawings that were originally approved and that the pictures shown today on the painting plan are showing an extension of the canopy. Director Farrell stated that awnings are permitted on storefronts per the PUD but have guidelines to follow. Director Farrell asked if the Plan Commission would approve the building permit with the canopy extension. Chairman Trzupek asked if it was on the original building permit for the restaurant build-out; Director Farrell did not know.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to **DENY** PC-04-2023, a request for a minor change to PUD Ordinance #A-834-14-21 (Z-09-2021) to paint all exterior restaurant facades with the exception of the brick façade inside the addition.

**ROLL CALL VOTE** was as follows:

**AYES:** 8 - Irwin, Petrich, McCollian, Parrella, Broline, Stratis, Morton, and Trzupek

**NAYS:** 0 - None

**MOTION CARRIED** by a vote of 8-0

#### **IV. CORRESPONDENCE**

There were no comments on the Board or Building Reports.

#### **V. OTHER CONSIDERATIONS**

Director Farrell noted that there was a proposal for variation requests on Jeans Road in unincorporated DuPage County which was distributed by email. Director Farrell explained that the industrial buildings are existing and will not change, but the lots will be reconfigured so each building is on its own lot. Since each building will be on its own lot, there are variations required for setbacks of the buildings on the new lots.

Commissioner Broline asked whether the setbacks are in line with the other buildings in the area. Director Farrell showed the aerial of the area which did not show immediate neighbors to the buildings. The Commission asked about setbacks in relation to the property lines. Director Farrell and the Commission reviewed DuPage County's GIS to see the lot lines in relation to the buildings. Chairman Trzupek asked if the Commissioners had any objections or any comments to send to DuPage. The Commissioners did not.

#### **VI. PUBLIC COMMENT**

Alice Krampits, 7515 Drew, asked if the new meeting time of 6:30 p.m. was also for the Plan Commission. Director Farrell stated that it was only for the Village Board and begins with the May meeting. The Commissioners discussed changing their own meeting time and agreed to remain at 7:00 p.m.

#### **VII. FUTURE MEETINGS**

Director Farrell noted that on May 1, 2023 there is the continuation of Z-05-2023, Z-02-2023 a request to amend a special use and an additional special use to permit outdoor storage of retail vehicles, and there is also a text amendment for the fences around swimming pools.

Commissioner Stratis stated he will be out of town on May 22. Chairman Trzupek offered to be the Plan Commission representative at the Board meeting that evening.

#### **VIII. ADJOURNMENT**

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to adjourn the meeting at 7:57 p.m.

**ROLL CALL VOTE** was as follows:

**AYES:** 8 - Irwin, Petrich, McCollian, Parrella, Broline, Stratis, Morton, and Trzupek

**NAYS:** 0 - None

**MOTION CARRIED** by a vote of 8-0

**Respectfully Submitted:**

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Janine Farrell, AICP  
Community Development Director



VILLAGE OF  
**BURR RIDGE**  
A VERY SPECIAL PLACE

**Z-02-2023: 60 Shore Drive (Naddaf – Coda Motors); 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.**

**HEARING:**

May 1, 2023

**TO:**

Plan Commission  
Greg Trzupek, Chairman

**FROM:**

Janine Farrell, AICP  
Community Development Director

**PETITIONER:**

Joseph Naddaf, Coda Motors

**PETITIONER STATUS:**

Tenant

**PROPERTY OWNER:**

Tim Masters

**EXISTING ZONING:**

G-I General Industrial PUD

**LAND USE PLAN:**

Recommends Light Industrial Uses

**EXISTING LAND USE:**

Multi-tenant Building

**SITE AREA:**

2.2 Acres

**SUBDIVISION:**

Hinsdale Industrial Park





The petitioner is Joseph Naddaf, current tenant operating Coda Motors from the site, an online based automobile sales business. In 2019, Coda Motors was approved for a special use to permit automobile sales at the site (Ordinance A-834-02-19). Two conditions of approval limited the floor area to 7,400 sq. ft. for the business and prohibited the outside display or storage of automobiles. The petitioner is now requesting to expand their internal operations to 10,100 sq. ft. and to permit the outdoor storage of vehicles.

***Expansion of Use:***

Coda Motors was originally approved for 7,400 sq. ft. of floor area dedicated to the business. Coda Motors would like to expand their internal use to 10,028 sq. ft. of leased area, rounded up to 10,100 sq. ft. for the purposes of this request. This additional internal space will include two bathrooms and a kitchen. The owner has authorized this expansion of the use. The hours of operation, number of employees, and number of anticipated customers will not change. Since the original special use limited the floor area, the special use must be amended.

***Outdoor Storage:***

Coda Motors was prohibited from storing or displaying vehicles outside of the building. In the G-I zoning district, the outdoor, overnight storage of retail vehicles ancillary to a special use requires a separate special use. Since the original special use prohibited outdoor storage, this special use must be amended and a new special use for the outdoor storage requested. The petitioner uses the area in front of their main entrance for customer parking and the temporary storage of vehicles which are being taken for a test drive or sold. The area located near the front entrance does not have designated or striped parking spaces. Coda Motors is proposing to use 29 spaces located at the rear of the building to store vehicles overnight while they are being photographed and evaluated before being listed for sale and moved indoors.

There are two other tenants located at 60 Shore Dr.: UR Boss, an online based automobile sales business, and MyGreenMattress, which appears to be a light manufacturing or warehouse use. According to the property owner, there are no assigned parking spaces for any tenants at the site. According to the Plat of Survey, there are 62 total spaces. Should Coda Motors be approved to use 29 spaces for storage, 33 spaces will remain for the other two tenants. For these uses, the minimum Zoning Ordinance based parking space requirements are based upon the total number of employees which is unknown. The standard calculation would be two parking spaces per three employees.

**Land Use and Site Plan**

The property is surrounded on all sides by G-I General Industrial zoning as well as by comparable industrial and flex space development. Automobile sales and outdoor storage are listed as special uses in the G-I General Industrial District. Other retail sales and service businesses are also listed as special uses in the G-I General Industrial District. The petitioner provided a business plan and Plat of Survey detailing the location of the outdoor storage, included as Exhibit A.

**Public Hearing History**

Prior to Coda Motors occupying this space in 2019, a special use was approved in 2013 for Brand Max Motors and in 2017 for Midwest Auto. Neither operation permitted outdoor storage.

**Public Comment**

No public comments were received.

**Findings of Fact and Recommendation**

The petitioner has submitted findings of fact which may be approved if the Plan Commission is in agreement with those findings. If the Commission recommends approval to (1) 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 (2) an additional special use for outdoor, overnight storage of retail vehicles ancillary to a special use in accordance with Zoning Ordinance section X.F, staff recommends the following conditions which were included on the previous special use. The Commission may wish to approve each request separately.

1. The special use permit shall be limited to the sales of automobiles with minor detailing and repairs.
2. The special use shall be limited to the 10,100 square feet of floor area known as Suites A-B at 60 Shore Drive.
3. The special use shall be limited to Joseph Naddaf and his business partners and shall expire at such time that Mr. Naddaf and his business partners no longer occupy the space or an assignment or termination of the lease at 60 Shore Drive occurs.
4. Outdoor mechanical maintenance of any vehicle shall be prohibited.
5. The outdoor storage of vehicles shall be limited to the 29 spaces shown on the Plat of Survey provided in Exhibit A.
6. The outdoor display of vehicles used as an advertising mechanism is prohibited.

**Appendix**

Exhibit A – Petitioner’s Materials

- Application
- Business plan
- Plat of Survey showing outdoor storage area
- Findings of Fact

Exhibit B – Ordinance A-834-02-19

Exhibit C – Public Notifications



# VILLAGE OF BURR RIDGE

## PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

MAR 27 2023  
VILLAGE OF BURR RIDGE

### GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): CODA MOTORS LLC

STATUS OF PETITIONER: ACTIVE USED CAR WAREHOUSE

PETITIONER'S ADDRESS: 60 SHORE DR A-B, BURR RIDGE IL 60527

ADDRESS OF SUBJECT PROPERTY: SAME

PHONE: (630) 789-2277

EMAIL: JOSEPH@CODA-MOTORS.COM

PROPERTY OWNER: TIM MASTERS

PROPERTY OWNER'S ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

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

### DESCRIPTION OF REQUEST:

ALLOW THE DEALERSHIP TO HAVE CARS IN THE BACK OF THE BUILDING AREA  
THAT AREA IS USED AS A STAGING AREA FOR VEHICLES THAT NEED SERVICE  
WORK THE AREA BY THE MAIN ROAD WILL BE CLEAR EVERYNIGHT BEFORE CLOSING  
Amend PUD ord.# A-834-02-19 and special use for outdoor, overnight retail vehicle storage

### PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: 2.2 acres EXISTING ZONING: G-I PUD

EXISTING USE/IMPROVEMENTS: Multi-tenant industrial building

SUBDIVISION: Hinsdale Industrial Park

PIN(S) # 09-35-203-005 & 09-35-203-004

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

3/27/23

**From:** [Joseph Naddaf](#)  
**To:** [Janine Farrell](#)  
**Subject:** Re: FW: Application Materials  
**Date:** Thursday, March 2, 2023 7:12:47 PM  
**Attachments:** [image001.jpg](#)  
[Village.pdf](#)

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Hello,

Coda Motors LLC is an internet based company, we have been in business since March of 2019 and occupied the same location at 60 Shore DR suite A-B Burr ridge, IL 60527. Coda Motors has 12 full time/part time employees. We are open Monday-Thursday from 9-7, Friday - Saturday 9-6 and Sunday closed.

We have been at our location for 4 years, our business grew and our number of cars increased. We are renting space from PermaSeal in Burr Ridge to allow for extra car storage. We sell 35-50 cars per month on average.

We recently added space within our building for filing and to have the use of 2 extra bathrooms and a kitchen. Our location had a unisex bathroom and no kitchen. We occupy a little over 10000 SQ with that addition. The extra space is connected through a back door.

Most of our customers are set up through appointments. Customers come in on a specific car that we already have waiting for them outside in front of our building. The customers take the vehicles on a test drive and if they like it, they purchase it. Very simple process. Unlike other car retailers, the only customers that come to visit us are set up through the internet. We get about 3-5 customers a day.

We sell quite a few vehicles to customers that have never set foot at our store. Our internet department shares all the information pertaining to those vehicles including the service history and carfax. After we receive their payment we arrange for shipping.

We are aware of the privilege granted to us by the village, we appreciate it and would like to stay in good standing. We have asked for a few changes for the sole reason of helping the flow of our growth. We need the staging area for the purchased cars that need inspections and work done before they are offered for retail. We also need to have cars parked in the front during the day for our preset test drives.

Regards,

Joseph Naddaf

Coda Motors LLC

# EXHIBIT A

PROFESSIONAL ASSOCIATED SURVEY, INC.

1000 N. 10TH AVE., SUITE 100, DENVER, CO 80202

TEL: 333-1100 FAX: 333-1101

## ALTA/ACSM LAND TITLE SURVEY

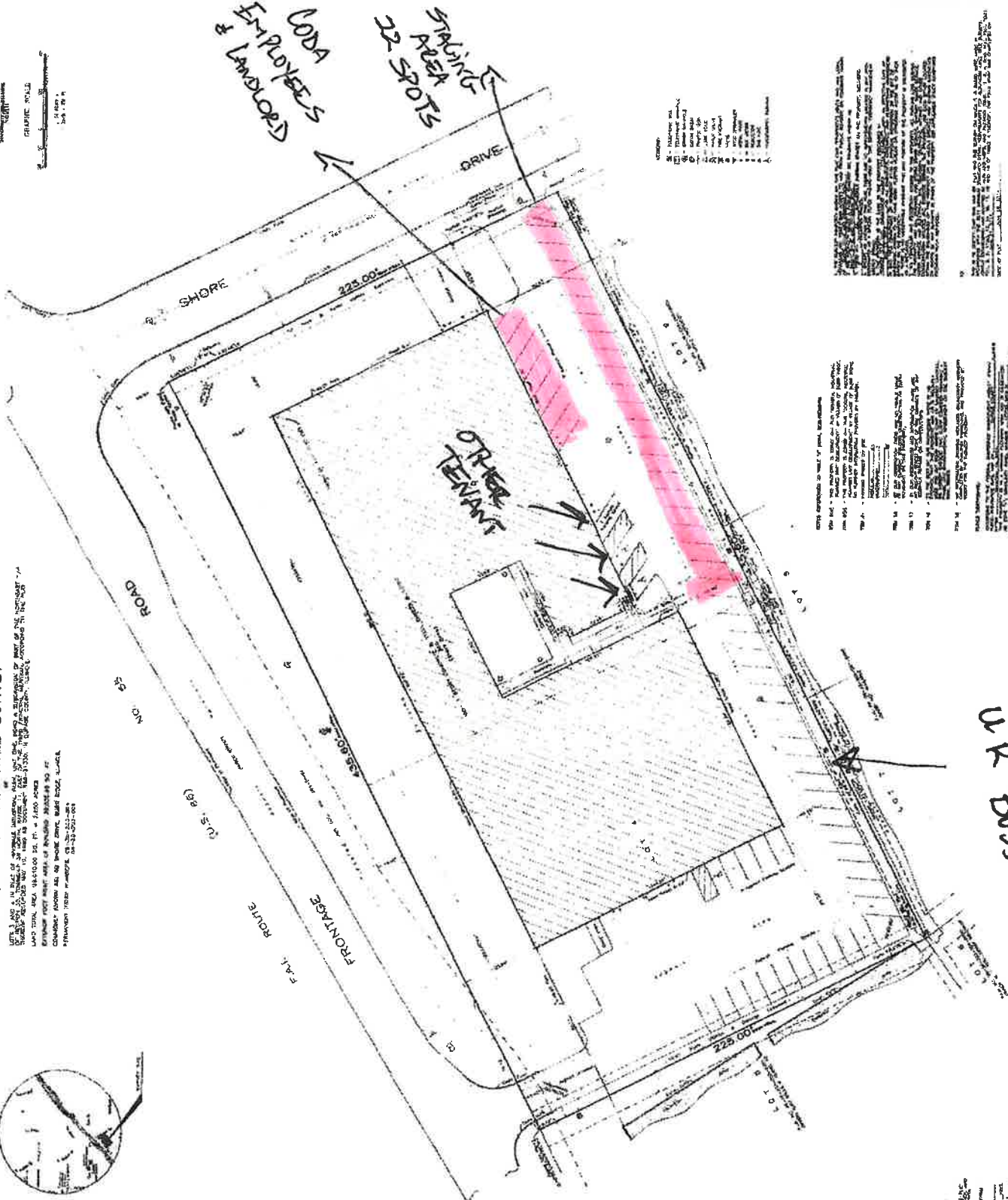
THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY MAP AS FILED IN THE PUBLIC RECORDS OF THE COUNTY OF DENVER, COLORADO, ON 05/11/2001.

LAND TOTAL AREA: 18.5000 AC. ± 1850 ACRES

EXISTING FOOT PRINT AREA OF BUILDING: 10,000 SQ. FT.

CONVEYANCE TO: ALTA ASSOCIATED SURVEY, INC.

TRAVELER TRAIL PROPERTY, CO. 10/10/2001



U R B046





Findings of Fact – Special Use  
Burr Ridge Zoning Ordinance

Address:

60 SHORE DR AB BURR RIDGE, IL 605

As per Section XII.K.7 of the Village of Burr Ridge Zoning Ordinance, for a special use to be approved, the petitioner must confirm all of the following findings by providing facts supporting each finding.

- a. The use meets a public necessity or otherwise provides a service or opportunity that is not otherwise available within the Village and is of benefit to the Village and its residents.

**CODA MOTORS IS AN INTERNET BASE DEALERSHIP, OUR PRESENCE IN BURR RIDGE CAN BRING IN EXTRA REVENUE TO THE VILLAGE, WHILE FOLLOWING THE VILLAGE'S GUIDELINES**

- b. 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.

**WE ARE AWARE OF THE PUBLIC HEALTH & SAFETY, WE DO NOT HAVE A SERVICE DEPARTMENT, NO HAZARDOUS MATERIALS. MOST OF OUR CLIENTS ARE FROM THE INTERNET WE CLOSE EARLY ENOUGH, WE NEVER HAD ANY MAJOR DISTURBANCES IN THE LAST YEAR, SINCE OPEN**

- c. 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.

**NOT AT ALL, SAFETY IS OUR #1 CONCERN, WE ARE NOT ADDING OR CHANGING ANYTHING TO THE BUILDING.**

- d. The establishment of the special use will not impeded the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

**AGREE, OUR DEALERSHIP WILL NOT AFFECT THE NORMAL & ORDERLY DEVELOPMENT**

- e. Adequate utilities, access roads, drainage and/ or necessary facilities have been or will be provided.

**YES**

- f. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

**YES, WE ARE BY APPOINTMENT ONLY**

- g. The proposed special use is not contrary to the objectives of the Official Comprehensive Plan of the Village of Burr Ridge as amended.

**AGREE**

- h. 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.

**AGREE**

## EXHIBIT B

### ORDINANCE NO. A-834-02-19

#### AN ORDINANCE GRANTING SPECIAL USE APPROVAL PURSUANT TO SECTION X.F.2.a OF THE BURR RIDGE ZONING ORDINANCE TO PERMIT AN AUTOMOBILE SALES USE IN AN EXISTING BUILDING

(Z-01-2019: 60 Shore Drive - Naddaf)

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**WHEREAS**, an application for a special use for certain real estate has been filed with the Assistant to the Village Administrator of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

**WHEREAS**, said Plan Commission of this Village held a public hearing on the question of granting said special use on January 21, 2019, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

**WHEREAS**, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in The Doings Weekly, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

**WHEREAS**, the Village of Burr Ridge Plan Commission has made its report on the request for special uses, including its

findings and recommendations, to this President and Board of Trustees, and this President and Board of Trustees has duly considered said report, findings, and recommendations.

**NOW THEREFORE, Be It Ordained** by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

**Section 1:** All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This President and Board of Trustees find that the granting of special use indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

**Section 2:** That this President and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the special use for the property located at 60 Shore Drive, Burr Ridge, Illinois, is Joseph Naddaf (hereinafter "Petitioner"). The Petitioner requests special use approval as per Section X.F.2.a of the Burr Ridge Zoning Ordinance to permit an automobile sales use in an existing building.
- B. That the property will not detract from the public health, safety, morals, comfort, or general welfare.
- C. That the special use will not adversely impact any adjacent properties.



- D. That the special use will allow the petitioner to bring a necessary service to the residents of the Village.
- E. That the site plan of the property is adequate for the use.
- F. That adequate traffic facilities are present on or adjacent to the property.
- G. That the use is not contrary to the objectives of the Official Comprehensive Plan.
- H. That the special use will otherwise conform to the applicable regulations of the Zoning Ordinance.

**Section 3:** That the special use approval as per Section X.F.2.a of the Burr Ridge Zoning Ordinance to permit an automobile sales use in an existing building is ***hereby granted*** for the property commonly known as 60 Shore Drive and identified by the Permanent Real Estate Index Number (PIN) of: **09-35-203-005.**

**Section 4:** That approval of the special uses is subject to compliance with the following conditions:

- A. The special use permit shall be limited to the sales of automobiles with minor detailing and repairs.
- B. The special use shall be limited to the 7,400 square feet of floor area known as Suite A at 60 Shore Drive.
- C. The special use permit shall be limited to Joseph Naddaf and his business partners and shall expire at such time that Mr. Naddaf and his business partners no longer occupies the space or an assignment or termination of the lease at 60 Shore Drive occurs.
- D. Outside display or storage of any goods, materials, and automobiles shall be prohibited.
- E. Outdoor mechanical maintenance of any vehicle shall be prohibited.

**Section 5:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

**PASSED** this 11<sup>th</sup> day of February, 2019, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

**AYES:** 6 - Trustees Snyder, Mital, Paveza, Mottl, Franzese, Schiappa

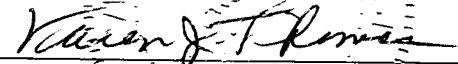
**NAYS:** 0 - None

**ABSENT:** 0 - None

**APPROVED** by the President of the Village of Burr Ridge on this 11<sup>th</sup> day of February, 2019.

  
Acting Village President

**ATTEST:**

  
Village Clerk

# EXHIBIT C





**VILLAGE OF BURR RIDGE  
PLAN COMMISSION AND  
ZONING BOARD OF APPEALS**

**Consent to Install Public Notice Sign**

The owner of the property referenced below, or an authorized representative of the owner, which is the subject of a public hearing before the Village of Burr Ridge Plan Commission or Zoning Board of Appeals, hereby consents to allow the Village of Burr Ridge to install a public notice sign on the aforesaid property. The public notice sign will be erected 15 to 30 days prior to the public hearing and will remain on the property until it is removed by the Village of Burr Ridge subsequent to a final dispensation of petition request.

Street Address of Subject Property:

60 SHORE DR A-B, BURR RIDGE, IL 60521

Property Owner or Petitioner:

JOSEPH NADDAS  
(Print Name)  
[Signature]  
(Signature)



## **LEGAL NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Plan Commission and Zoning Board of Appeals of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, will conduct the following Public Hearing beginning at 7:00 p.m. on **Monday, May 1, 2023, at Village Hall, 7660 County Line Road, Burr Ridge, Illinois, 60527.**

## **PURPOSE OF HEARING**

The Plan Commission/Zoning Board of Appeals will hold a public hearing to consider a request by Joseph Naddaf of Coda Motors for an amendment to 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. The petitioner is requesting an additional special use for outdoor, overnight storage of retail vehicles ancillary to a special use in accordance with Zoning Ordinance section X.F. The petition number and address of this petition is **Z-02-2023: 60 Shore Drive** and the Permanent Real Estate Index Numbers are **09-35-203-005-0000 and 09-35-203-004-0000.**

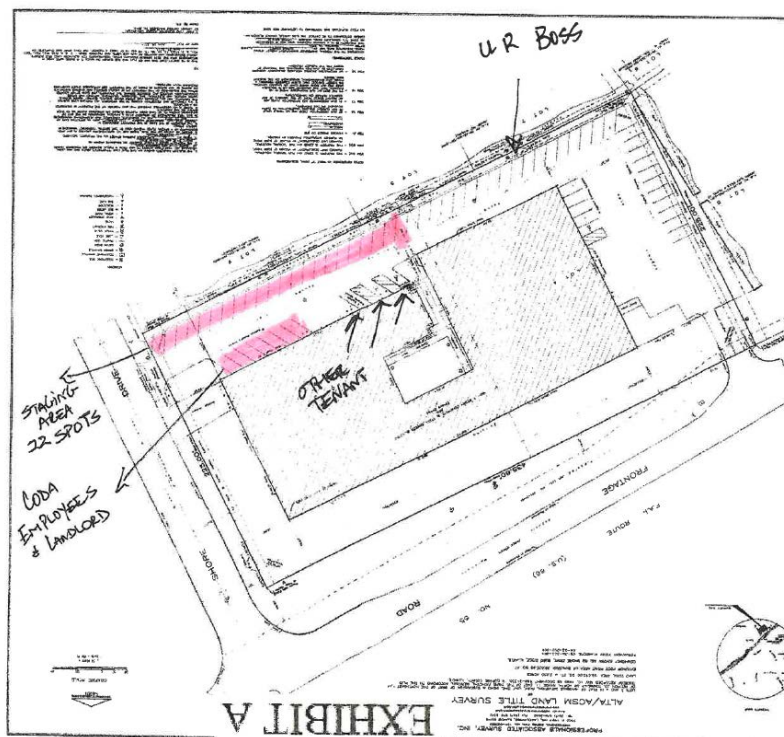
Public comment may be provided by individuals who physically attend the meeting at 7660 County Line Road, Burr Ridge, Illinois, 60527. All written public comment wishing to appear in the Plan Commission report shall be provided no later than Tuesday, April 25, 2023. All public comment may be emailed to Community Development Director Janine Farrell (jfarrell@burr-ridge.gov) or mailed to Ms. Farrell's attention at the address above. The Plan Commission/Zoning Board of Appeals reserves the right to continue said hearings from time to time as may be required without further notice, except as may be required by the Illinois Open Meetings Act.

**BY ORDER OF THE PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES, ILLINOIS.**

**Greg Trzupek, Chairman**

**MEMBERS: GREG TRUZPEK, MIKE STRATIS, JIM BROLINE, BARRY IRWIN, JOSEPH PETRICH, ENZA PARRELLA, RICHARD MORTON, AND DEANNA MCCOLLIAN.**





Petition materials are posted on the website in the link below:

[https://www.burr-ridge.gov/government/boards\\_committees\\_commissions/plan\\_commissions\\_zoning\\_board\\_of\\_appeals/index.php](https://www.burr-ridge.gov/government/boards_committees_commissions/plan_commissions_zoning_board_of_appeals/index.php)

*Burr Ridge homepage – Government – Boards, Committees, and Commissions – Plan Commission & Zoning Board of Appeals – Upcoming Public Hearing Petitions*

The May 1, 2023 Plan Commission meeting agenda packet will be posted the Thursday before the meeting and will be available on the website here:

[https://www.burr-ridge.gov/government/boards\\_committees\\_commissions/plan\\_commissions\\_zoning\\_board\\_of\\_appeals/agendas\\_minutes.php](https://www.burr-ridge.gov/government/boards_committees_commissions/plan_commissions_zoning_board_of_appeals/agendas_minutes.php)

*Burr Ridge homepage – Government – Agendas & Minutes – Plan Commission & Zoning Board of Appeals*

760 N FRONTAGE LLC  
760 N FRONTAGE RD  
WILLOWBROOK, IL 60527

7900 MADISON LLC  
3100 DUNDEE RD  
NORTHBROOK, IL 60062

8040 MADISON LLC  
3100 DUNDEE RD APT. 116  
NORTHBROOK, IL 60062

ALCO SALES & SERVICE CO  
6851 HIGH GROVE BLVD  
BURR RIDGE, IL 60527

BARBARA HOLDING CO LLC  
640 JOLIET RD.  
WILLOWBROOK, IL 60527

BIRTCH, ERIC & JOANNE  
7921 S MADISON  
BURR RIDGE, IL 60527

BRONSON & BRATTON  
240 SHORE DR  
BURR RIDGE, IL 60527

BRONSON & BRATTON INC  
220 SHORE DR  
BURR RIDGE, IL 60527

CHICAGO TITLE 8002371582  
150 SHORE DR  
BURR RIDGE, IL 60527

COMPASS RE HOLDINGS LLC  
15W580 FRONTAGE RD  
BURR RIDGE, IL 60527

COMPLETE SUPPLY INC  
16W281 79TH ST  
HINSDALE, IL 60527

DONNAN REAL ESTATE I LLC  
224 SHORE CT  
BURR RIDGE, IL 60527

DRK REAL ESTATE INVEST  
19W451 DEERPATH LN  
LEMONT, IL 60439

EWM LLC  
835 79TH ST  
WILLOWBROOK, IL 60527

FERRIS MEDIA LLC  
111 SHORE DR  
BURR RIDGE, IL 60527

G2K LLC  
109 SHORE DR  
BURR RIDGE, IL 60527

GINGER, BETSY A  
15 DEER PATH TR  
BURR RIDGE, IL 60527

GUO, ZHENGANG  
1413 WESLEY CT  
WESTMONT, IL 60559

KARLYN BLDG JOINT VENTURE  
9450 W BRYN MAWR APT. 550  
ROSEMONT, IL 60018

KLING CORP  
800 W 79TH ST  
WILLOWBROOK, IL 60527

LA SALLE NATL 113122  
3100 DUNDEE RD APT. 116  
NORTHBROOK, IL 60062

LAYKO PROPERTIES  
100 SHORE DR APT. 2  
BURR RIDGE, IL 60527

LDD PROPERTIES LLC  
16W020 79TH ST  
BURR RIDGE, IL 60527

LEWANDOWSKI, DONALD E  
14818 GREENVIEW RD  
ORLAND PARK, IL 60462

LOMBARDI, ANNE  
406 W 69TH ST  
DARIEN, IL 60561

M.T. REAL ESTATE HOLDINGS  
136 SHORE DR  
BURR RIDGE, IL 60527

MBC 57 LLC  
9450 BRYN MAWR AVE APT. 550  
ROSEMONT, IL 60018

MC CAIG, KENT & CYNTHIA  
815 79TH ST  
WILLOWBROOK, IL 60527

PACKAGING DESIGN CORP  
101 SHORE DR  
BURR RIDGE, IL 60527

QSS REAL ESTATE LLC  
1519 W 55TH ST  
LA GRANGE, IL 60525

RANDOLPH PROPERTIES LLC  
250 LAKELAND DR  
PALOS PARK, IL 60464

RUSH TRUCK CENTERS OF IL  
PO BOX 06019  
CHICAGO, IL 60606

SCHOOL DISTRICT NO 62  
7700 CLARENDON HILLS  
WILLOWBROOK, IL 60527

SHORE 114 LLC  
116 SHORE DR. UNIT 1  
BURR RIDGE, IL 60527

SSC PROPERTY HOLDINGS INC  
PO BOX 25025  
GLENDALE, CA 91201

VIP MORGAN LLC  
477 W WRIGHTWOOD AVE.  
ELMHURST, IL 60126

WALKER, JOHN H.  
15W765 80TH ST  
BURR RIDGE, IL 60521

WILLOWBROOK 2012 LLC  
50W580 N FRONTAGE RD  
BURR RIDGE, IL 60527





**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 Hearing:** May 1, 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.

***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 F 1346. It is important to note that the Building Ordinance will likely be updated in the upcoming year. While IRC Appendix G requires a barrier, the ISPS does not. The Building Ordinance update will likely eliminate this conflict which poses a question for the Commission, should a fence or barrier be required. If the Commission still desires to have a fence surrounding a pool, then this requirement must be within the Zoning Ordinance.

### **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
- Exhibit B – Proposed Language for Zoning Ordinance Section IV



# 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.

Janine Farrell  
Petitioner's Signature

2/14/2023  
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)

## **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**

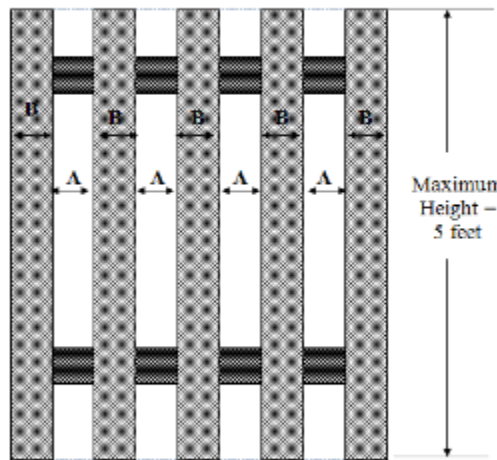
Fences are permitted and may be obstructions in yards (for purposes of this Section the term "yards" shall not be limited to the required yards set forth in this Zoning Ordinance but also shall include all unobstructed open areas on a lot) or courts as regulated herein.

#### **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.



## 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.



## EXHIBIT B

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

#### 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 pools.**

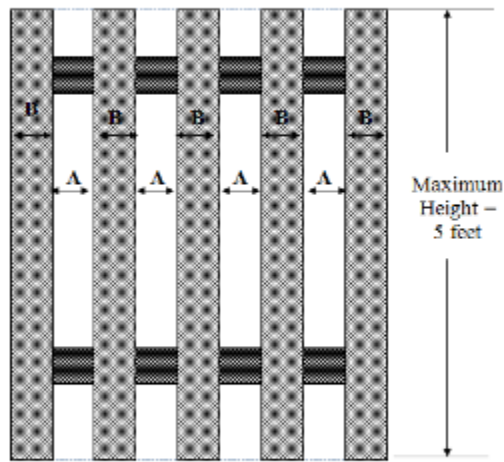
#### J. FENCES

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 in-ground, above-ground, or on-ground pool shall be surrounded by a perimeter barrier which complies with Building and Zoning Ordinance requirements.