



## **AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION**

**September 21, 2017 – 7:00 P.M.  
Council Chambers  
Village Hall – 16250 S. Oak Park Avenue**

**Regular Meeting Called to Order**

**Pledge of Allegiance**

**Roll Call Taken**

**Communications**

**Approval of Minutes:** Minutes of the September 7, 2017 Regular Meeting

**Item #1**

**WORKSHOP: MILE 1 FITNESS – 17030 OAK PARK AVENUE – SPECIAL USE PERMIT**

Consider recommending that the Village Board grant a Special Use Permit to the Petitioner, Mark Higgins of Mile 1 Fitness, a Special Use Permit to: 1) allow a recreational business use (including group fitness classes); and 2) allow the business to open at 5:00 a.m. at 17030 Oak Park Avenue in the NG (Neighborhood General) Zoning District.

**Item #2**

**WORKSHOP: TEXT AMENDMENTS TO THE VILLAGE OF TINLEY PARK ZONING ORDINANCE (SECTION II AND SECTION III) RELATED TO FENCE REGULATIONS**

Discuss Text Amendments to the Village's Fence Regulations including but not limited to the following topics:

- Location
- Height
- Materials
- Definitions related to fences, lot types, and yards

**Good of the Order**

**Receive Comments from the Public**

**Adjourn Meeting**



**MINUTES OF THE REGULAR MEETING OF THE  
PLAN COMMISSION, VILLAGE OF TINLEY PARK,  
COOK AND WILL COUNTIES, ILLINOIS**

**SEPTEMBER 7, 2017**

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on September 7, 2017 at 7:05 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Plan Commissioners: Ken Shaw, Chairman  
Lucas Engel  
Eduardo Mani  
Angela Gatto  
Tim Stanton

Absent Plan Commissioner(s): Peter Kroner  
Garrett Gray  
John Curran

Village Officials and Staff: Paula Wallrich, Interim Community Development Director  
Barbara Bennett, Commission Secretary

**CALL TO ORDER**

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for September 7, 2017 at 7:05 p.m.

**COMMUNICATIONS**

There were none.

**APPROVAL OF MINUTES**

Minutes of the August 17, 2017 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER MANI, to approve the Minutes. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**

**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**

**SUBJECT: MINUTES OF THE SEPTEMBER 7, 2017 REGULAR MEETING**

**ITEM #1 PUBLIC HEARING: TEXT AMENDMENT TO THE VILLAGE OF TINLEY PARK ZONING ORDINANCE – SECTION III.N.6. – OUTDOOR SALES DISPLAY**

Consider recommending that the Village Board approve Text Amendments to Section III.N.6. (Outdoor Display) of the Village of Tinley Park Zoning Ordinance. The proposed Text Amendments include but are not limited to: allowing outdoor sales display areas on non-residential properties.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman  
Lucas Engel  
Eduardo Mani  
Angela Gatto  
Tim Stanton

Absent Plan Commissioner(s): Peter Kroner  
Garrett Gray  
John Curran

Village Officials and Staff: Paula Wallrich, Interim Community Development Director  
Barbara Bennett, Commission Secretary

Guests: Marc Rush, Great Escape  
Ted Chapman, Great Escape

A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER ENGEL, to open the Public Hearing on Text Amendments to the Zoning Ordinance related to Outdoor Sales Display. The Motion was approved unanimously by voice call. CHAIRMAN SHAW declared the Motion approved.

CHAIRMAN SHAW noted that Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

CHAIRMAN SHAW requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

PAULA WALLRICH, Interim Community Development Director, stated this was brought to life as a result of Great Escape inquiring about displaying their products outdoors. Other businesses are able to display their products outside of their businesses to aid in increasing sales and tax revenue. Staff assessed the types of outdoor displays and noted they fell into three (3) categories.

1. The first tier includes the display of seasonal gardening goods or special sales. These displays may include, but are not limited to: sale of potted plants, mulch, clothes racks, and small product display racks. The cumulative area of all Level 1 outdoor displays shall not exceed twenty-five percent (25) of the tenant frontage of the tenant space to which the outdoor display area is associated.
2. The second tier includes the display of year-round goods that are subordinate and customarily incidental to the principal use. These displays may include, but are not limited to: propane, ice, and vending machines. The cumulative area of all Level 2 outdoor displays shall not exceed twenty-five percent (25) of the tenant frontage of the tenant space to which the outdoor display area is associated.
3. The third tier includes the display of goods that do not meet the regulations within the Level 1 or Level 2 Outdoor Sales Display and are subject to Staff review and Plan Commission review on a case-by-case basis. These displays may include, but are not limited to: large products or equipment, appliances, seasonal recreational items (pools, play equipment, etc.), accessory structures (sheds, gazebos, etc.) or display of building materials (fencing, pavers, etc.). The cumulative area of all Level 3 outdoor displays shall not exceed twenty-five percent (25) of the tenant frontage of the tenant space to which the outdoor display area is associated.

Additionally, at the Plan Commission workshop on August 17, 2017 the Commissioners made the following recommendations:

- For Level 1: Provide less time for special sales than the seasonal garden items which is provided 6 months.
- For Level 1: Lower the cost for special sales since they would have a shorter duration (recommended \$15.00 for 3 days per special sale)
- For Level 1: Consider increasing the cost for seasonal garden goods (recommended a \$100.00 fee)
- For Level 2 & 3: Consider increasing the cost and requiring an annual fee or annual license. Level 2 (recommended annual fee of \$100.00) Level 3 (recommended annual fee of \$150.00)
- Research what other comparable communities are charging for their outdoor display permits. (recommended \$100.00 seasonal fee)
- Test the subject sites to see if they are in compliance with our draft regulations
- Change the required submittal items to include a "Plat of Survey or dimensioned Site Plan" since not everyone will have the Plat of Survey

MS. WALLRICH noted that the draft Text Amendment for Outdoor Sales Displays were included in the Plan Commission Packet.

CHAIRMAN SHAW asked for comments from the guests.

TED CHAPMAN, Great Escape, asked where a tent sale would fall. MS. WALLRICH replied if it was a seven (7) day tent sale it would be considered Level 1 as long as it met the dimensional requirements. If it did not then it would be brought before the Plan Commission as Level 3. It would be based on 25% of the linear feet of the frontage. MR. CHAPMAN stated they would like to erect a pool outside that would stay up for the whole year. MS. WALLRICH replied it would be Level 3 and they would have to pay an annual fee and follow the regulations for pools.

CHAIRMAN SHAW noted they would have to put a fence around the pool. MR. CHAPMAN stated they would follow all the Village codes.

Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER GATTO, to close the Public Hearing. Vote by voice. CHAIRMAN SHAW declared the Motion carried.

Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER ENGEL, to make a motion to recommend that the Village Board approve Text Amendments to Section III.N.6. (Outdoor Display Standards) of the Village of Tinley Park Zoning Ordinance as indicated in Staff's most recent draft of the comprehensive Outdoor Sales Display Standards Text Amendments, dated 08/28/2017. The proposed Text Amendments would replace the current Section III.N.6. in its entirety and provide new regulations for outdoor sales display areas.

AYES: PLAN COMMISSIONERS STANTON, ENGEL, MANI, GATTO and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion approved.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**

**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**

**SUBJECT: MINUTES OF THE SEPTEMBER 7, 2017 REGULAR MEETING**

**ITEM #2 PUBLIC HEARING: TEXT AMENDMENT TO THE VILLAGE OF TINLEY PARK ZONING ORDINANCE – SECTION V.B. – VEHICLE RENTAL IN THE MU-1 (MIXED-USE DUVAN DRIVE) OVERLAY DISTRICT**

Consider recommending that the Village Board approve Text Amendments to Section V.B. Schedule I (Schedule of Permitted Uses) of the Village of Tinley Park Zoning Ordinance. The proposed Text Amendments include but are not limited to: allowing vehicle rental as a Special Use in the MU-1 (Mixed-Use Duvan Drive) Overlay District.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman  
Lucas Engel  
Eduardo Mani  
Angela Gatto  
Tim Stanton

Absent Plan Commissioner(s): Peter Kroner  
Garrett Gray  
John Curran

Village Officials and Staff: Paula Wallrich, Interim Community Development Director  
Barbara Bennett, Commission Secretary

A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER MANI, to open the Public Hearing on Text Amendments to the Zoning Ordinance related to Vehicle Rental in the MU-1 (Mixed-Use Duvan Drive) Overlay District. The Motion was approved unanimously by voice call. CHAIRMAN SHAW declared the Motion approved.

CHAIRMAN SHAW noted that Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

CHAIRMAN SHAW requested anyone present in the audience, who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

PAULA WALLRICH, Interim Community Development Director, stated there was interest in truck rental in the area near 175<sup>th</sup> Street and Duvan Drive. This Text Amendment was brought up due to inquiries in the area. This area is a heavy industrial with a lot of vehicle-related uses. The MU-1 District allows leasing services and heavy equipment. There is currently a U-Haul Rental business located on Duvan Drive. This business is in need of some attention to landscaping, fencing and resurfacing of the parking lot.

MS. WALLRICH noted some changes to the proposed Text Amendments were included in the Plan Commission Packet. These changes include a change to the definition for vehicle sales/rental and allowing all vehicle rental rather than just trucks. Certain conditions also apply.

CHAIRMAN SHAW wanted to clarify intent that zoning for this use is for Duvan Drive. MS. WALLRICH replied per code this is intended to provide for business of light industrial uses in the Duvan Drive Business Park along with some automobile related uses. When they first did this they were trying to address possible body shops in the area. CHAIRMAN SHAW asked if there were other similar businesses throughout the town. MS. WALLRICH replied she was not aware of any.

Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER ENGEL, to close the Public Hearing. Vote by voice. CHAIRMAN SHAW declared the Motion carried.

Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER GATTO, to make a motion to recommend that the Village Board approve Text Amendments to Section II (Definitions) and Section V.B. Schedule I (Schedule of Permitted Uses) of the Village of Tinley Park Zoning Ordinance as indicated in Staff's most recent draft of the comprehensive Vehicle Rental Text Amendments, dated 08/28/2017. The proposed Text Amendments would amend the definition for "vehicle sales/rentals" in Section II (Definitions) and amend portions of Section V.B. Schedule I to allow "vehicle sales/rental" as a Special Use in the MU-1 Overlay District subject to certain conditions listed in a new footnote "k". The proposed Text Amendment would further clarify Section V.B. Schedule I by changing "equipment rental and leasing services" to read "light equipment sales/rental". Additionally, the proposed Text Amendment will remove "vehicle sales/rental, internal display only" as a category and list the "internal display only" caveat within the new footnote "k". The subsequent footnotes will be re-alphabetized accordingly.

AYES: PLAN COMMISSIONERS STANTON, ENGEL, MANI, GATTO and CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion approved.

## **GOOD OF THE ORDER**

PAULA WALLRICH, Interim Community Development Director, noted the following project updates:

1. Paula will be out of the office on medical leave beginning 9/12. Ellen Weber will be taking over in her absence.
2. Staff met with the developer of the Residences project. They are moving toward a plan with four (4) buildings with all the same luxury amenities. This project may come before the Commission on October 19. Staff will meet with the developer and the Brookside Glen residents next week.
3. The Boulevard is tentatively scheduled for the 11/17 PC meeting
4. Woodman's – still working on it. Received a call from two brokers talking about process.
5. Banging Gavel plans are in. Plat of Subdivision and Site Plan will come to the PC on 9/21.
6. The Lakota Group was hired to work on a master plan for the plaza and the downtown area. They are working on Phase 1 now and Phase 2 will be coming later.
7. Tinley Park Mental Health Center – Nothing new. Waiting for the State to finish their appraisals.
8. TIF – Downtown to help development. Working on incentive plan. Patrick Hoban is handling.
9. Freedom Pond is a Public Works project.
10. CHAIRMAN SHAW congratulated Stephanie on her marriage.
11. Resumes have been submitted to fill the open PC Commissioner position.
12. Good luck to Paula on her surgery.
13. When you have the meeting with the residents of Brookside Glen please ask them about their recommendations for process improvement. It is a good idea to keep the public informed on any potential property improvement.

COMMISSIONER MANI noted it is important to post signs on properties that are being brought forth for Public Hearings and Adoption to keep the residents informed. The developers should pay for the signs.

## **RECEIVE COMMENTS FROM THE PUBLIC**

There were none.

## **ADJOURNMENT**

There being no further business, a Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER MANI, to adjourn the Regular Meeting of the Plan Commission of September 7, 2017 at 8:03 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.



September 21, 2017

**Applicant**

Mark Higgins, Mile 1  
Fitness

**Property Location**

17030 Oak Park Avenue

**PIN**

28-30-115-023-0000

**Zoning**

NG (Neighborhood  
General)

**Approvals Sought**

Special Use Permit

**Mile 1 Fitness – Special Use Permit**

17030 Oak Park Avenue

**Project Planner**

Stephanie Kisler, AICP  
Planner I

**EXECUTIVE SUMMARY**

The Petitioner, Mark Higgins of Mile 1 Fitness, is requesting a Special Use Permit to: 1) allow a recreational business use (including group fitness classes); and 2) allow the business to open at 5:00 a.m. at 17030 Oak Park Avenue in the NG (Neighborhood General) Zoning District.

**Quick Facts from the Application:**

- Total Number of Employees: 6-8, with a maximum of 3 at any one time.
- Business Functionality: Group fitness classes, including: treadmills, rowing machines, dumbbells, spin bikes, and yoga.
- Hours of Operation:
  - Monday – Friday: 5:00am to 9:00pm (potential closing time)
  - Saturday – Sunday: 6:00am to 9:00pm (potential closing time)
- Fitness Class Schedule:
  - Monday – Friday: 5:00am, 6:05am, 7:10am, 9:15am, 4:15pm, 5:20pm, and 6:30pm
  - Saturday – Sunday: 6:00am, 7:05am, and 8:10am
- Total Maximum Number of Participants in Fitness Classes at One Time: 32

A Public Hearing is required for a Special Use Permit and is scheduled for the regular Plan Commission meeting on Thursday, October 5, 2017.

## SUMMARY OF OPEN ITEMS

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Staff identified the following open items for discussion at the workshop:

1. Consider conditions related to sound.
2. Consider conditions related to class sizes or class times.
3. The Petitioner is required to install a bike rack to provide parking for at least two (2) bikes.
4. Consider conditions related to required improvements including improvements to the south entry area and general building and parking lot maintenance.

## EXISTING SITE

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The subject property, 17030 Oak Park Avenue, consists of a commercial unit within a retail strip center known as Elmore Plaza or Tinley Square. The Petitioner's proposed commercial space is bordered by a vacant commercial unit to the north, parking to the east and south, and parking and an alley to the west. The Petitioner's tenant space is 2,191 square feet and has been vacant for over a year.



The site has frontage on Oak Park Avenue to the east. There are currently sixteen (16) parking spaces striped directly south of the tenant space, ten (10) of which are exclusively leased to the Petitioner. Staff notes that one space (located just outside the south entry door) is not a legal parking space and anticipates this space will be modified to be used utilized for access to the south entry door (see discussion in the Required Site Improvements section of the Staff Report). Shared parking spaces are located on the east and west of the tenant space and in a parking lot to the west of the alley.

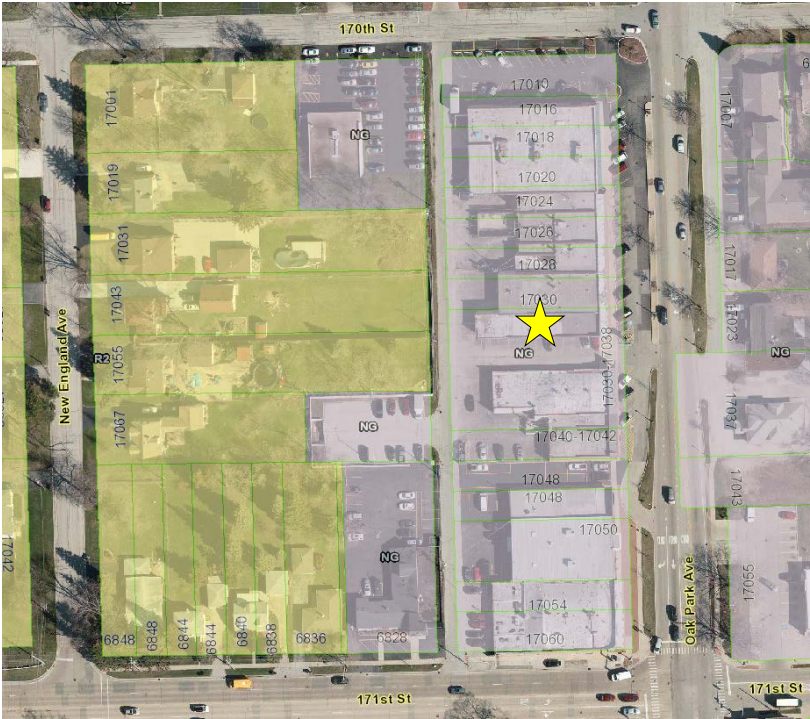




ZONING & NEARBY LAND USES

The subject property (see yellow star on graphic to the right) is zoned NG (Neighborhood General) and is within the Legacy District. According to Section XII.2.D.1. of the Village of Tinley Park Zoning Ordinance, the NG Zoning District is “intended to help transition existing single-family houses and commercial uses into multi-family uses.” However, this particular property exists as a mixed-use building, which incorporates commercial and residential uses into a single structure.

Nearby land uses include commercial properties to the north and south (zoned NG in purple), single-family residential to the west (zoned R-2 in yellow), and both commercial and single-family residential uses across Oak Park Avenue to the east (zoned NG in purple).



Some tenants in the shopping center include Together We Cope, Old Tinley Pub & Eatery, Effective Signs, and Kitchen & Bath (see graphic below showing tenants in the vicinity).



## PROPOSED USE

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The Petitioner proposes to open a business called Mile 1 Fitness that involves recreational uses, including group fitness classes. The fitness classes will include treadmills, rowing machines, dumbbells, spin bikes, and yoga. TV screens in the facility will show heart rates and work out details, as collected by the heart rate monitors the clients will wear. Classes will be 55 minutes in total and will generally run simultaneously in two workout rooms with 10-15 minutes between sessions.

- Room 1 will have 10 treadmills, 10 rowing machines, and some light dumbbells.
  - Maximum of 15-20 people per class.
  - 7 classes/day Monday – Friday (5:00am, 6:05am, 7:20am, 9:15am, 4:15pm, 5:20pm, 6:30pm)
  - 3 classes/day Saturday – Sunday (6:00 am, 7:05am, and 8:10am)
- Room 2 will have 10-12 spin bikes and some yoga mats for body weight toning exercises.
  - Maximum of 10-12 people per class.
  - 6 classes/day Monday – Friday (5:00am, 6:05am, 7:20am, 4:15pm, 5:20pm, 6:30pm)
  - 3 classes/day Saturday – Sunday (6:00 am, 7:05am, and 8:10am)

The Petitioner plans to have morning and evening classes when starting the business and may extend the business hours until 9:00pm if the classes become popular. The staff includes 6-8 part-time employees with a maximum of 3 employees working at any given time. The Petitioner states that 25-32 people could be attending the classes at a given time. People wanting to attend the classes will sign up online prior to the class rather than show up at random, which aids in controlling the maximum number of people that come to the facility at a given time.

### Why the Petitioner Needs a Special Use Permit

Businesses operating between the hours of 2:00 a.m.-6:00 a.m. require a Special Use Permit per Section XII.3.A. of the Zoning Ordinance. Per Table 3.A.2. within Section XII.3.A., “Amusement and recreation establishments including bowling alleys, billiard parlors, coin-operated amusement devices, gymnasiums, swimming pools, dance halls, health clubs, skating rinks and other similar places of recreation” are a Special Use in the Legacy District. These types of uses are considered as Special Uses because of the possible impacts of such things as parking, loud music playing during fitness classes, and hours of operation. The Special Use Permit process provides the Plan Commission the opportunity to place certain conditions on the Special Use to mitigate these concerns.

## SOUND

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While there is not currently a tenant in the commercial space to the north of the Petitioner’s tenant space, the Plan Commission may wish to consider conditions related to sound to ensure that the future adjacent tenant is not subject to loud music projecting into their commercial space. Staff notes that Tinley Park embraces music as our Village’s brand; however, we want to make sure that music in commercial spaces is not a nuisance to other businesses or to nearby residents. The Petitioner stated that he went into his tenant space and played music at the volume intended during the fitness classes; however, he was unable to access the vacant tenant space to the north to see if the music was heard through the wall.

***Open Item #1: Consider conditions related to sound.***

## PARKING

The site has sixteen (16) parking spaces directly south of the Petitioner's tenant space, ten (10) of which are exclusively leased to the Petitioner. Rows of parking exist along the east and west sides of the commercial strip center and within a parking lot on the west side of the alley. Many of these parking spaces are shared with other tenants in the commercial strip center.

Staff studied the parking lots in the commercial strip center at various times of the day and found that the parking areas were not full and many spaces near the Petitioner's tenant space were available. Staff notes that the adjacent businesses are primarily open from 9:00am to 5:00pm, which would overlap a few of the Petitioner's class times. The Petitioner's class schedule is mainly morning sessions and evening sessions.

The requirements for parking found within Section XII.2.D.10.c. of the Zoning Ordinance call for four (4) parking spaces per 1,000 square feet of tenant space for commercial uses in the NG Zoning District. Since the tenant space is 2,191 square feet, nine (9) parking spaces are required. While the Petitioner meets the parking requirement within the Legacy Code by having ten (10) exclusive parking spaces, Staff is concerned that this may not be sufficient at peak times.

As noted previously in the report, the Petitioner states that there could be up to 32 people attending the fitness classes in addition to 3 employees, totaling 35 people potentially at the facility at peak time. Staff recognizes that the Petitioner can utilize shared parking within the commercial area; however, the parking lot may become crowded at peak times when over 30 people are visiting the facility.

Staff reviewed the conceptual plans for the interior layout of the space and noted that the required square footage for the bathrooms and showers may result in a decrease in space available for the fitness rooms, in turn decreasing the potential maximum number of people that could attend the classes. If the fitness rooms became smaller, then less people could attend the classes.

### **Open Item #2: Consider conditions related to class sizes or class times.**

Additionally, two (2) bike parking spaces are required per Section XII.2.D.10.c. of the Zoning Ordinance.

### **Open Item #3: The Petitioner is required to install a bike rack to provide parking for at least two (2) bikes.**

## REQUIRED SITE IMPROVEMENTS

Per Section XII.2.D.11.d. of the Zoning Ordinance, a Special Use triggers certain required improvements. See the image of Table 2.D.8. below.

*d. Required Improvements*

Action	Landscaping		Front Yard Parking		Access Drive	Alley
	Public Frontage	Private Lot	Modify	Remove	Modify	Dedication
Change of Owner	•	•	•		•	•
Change of Use > 50% of Building		•				
Structure Expansion		•	•		•	•
Special Use	•	•	•		•	•
Map Amendment (Rezoning)	•	•	•		•	•
	see pages 62-63		see pages 58-59		see page 61	see page 60

Table 2.D.8



Staff inspected the site and noted areas where the required improvements could be made. There are minimal opportunities for landscape improvements since the areas surrounding the tenant space are paved. The tenant space is part of a larger commercial strip center, so it would be difficult to require modification of the front yard parking on the east side of the building. Additionally, one of the parking spaces on the east side of the building is an accessible space and needs to remain intact. The alley on the west side of the building is already dedicated. The access drive that runs south of the tenant space is necessary to access the parking at the south side of the building.



Staff notes that the Petitioner intends to use the south door as the primary access point for the business. Because of this, Staff recommends striping out a clear entry walk through one of the parking spaces and adding planters near the doorway. The awning must be replaced and the Petitioner should consider reconfiguring the entrance stoop so that the first step is relocated to the south side of the stoop rather than the west (see photo at left). The Petitioner should also work with the property owner to see that the parking lot is properly maintained (repair cracks, restripe parking spaces) and that the building is repainted. Graffiti seen on the west side of the building must be cleaned off or painted over in addition to addressing the peeling paint on the façade of the building.

Additionally, Staff noted that there is a trash enclosure on the south side of the parking lot near the south entrance (see photo at right). The enclosure makes it difficult for vehicles to have enough space to safely back out of the parking spaces.

Staff did not see any dumpsters housed inside the enclosure and would like the Petitioner to investigate removing the trash enclosure if it is not needed. The removal of the trash enclosure will allow more space for vehicles to maneuver in the parking lot south of the tenant space.



**Open Item #4: Consider conditions related to required improvements including improvements to the south entry area and general building and parking lot maintenance.**

## RECOMMENDATION

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Following a successful workshop, proceed to a Public Hearing at the October 5, 2017 Plan Commission meeting.

## STANDARDS FOR A SPECIAL USE

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Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request. Staff will provide draft Findings in the Staff Report for the Public Hearing.

X.J.5. Standards: No Special Use shall be recommended by the Plan Commission unless said Commission shall find:

- a. That 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;
- b. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- f. That the Special Use shall, in all 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 by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.

It is also important to recognize that a Special Use Permit does not run with the land and instead the Special Use Permit is tied to the Applicant. This is different from a process such as a variance, since a variance will forever apply to the property to which it is granted. Staff encourages the Plan Commission to refer to Section X.J.6. to examine the conditions where a Special Use Permit will expire.

AUG 28 2017

**VILLAGE OF TINLEY PARK  
SPECIAL USE PERMIT APPLICATION**

The undersigned hereby Petitions the Tinley Park Long Range Plan Commission and/or the Village Board to consider a Zoning Map Amendment and/or Special Use Permit as follows:

**A. Petitioner Information:**

Name: MARK Higgins  
Mailing Address: [REDACTED]  
City, State, Zip: Tinley Park Illinois 60477  
Phone Numbers: [REDACTED] (Day) Fax Number: [REDACTED]  
[REDACTED] (Evening)  
[REDACTED] (Cell) [REDACTED]  
Email Address [REDACTED]

The nature of Petitioner's interest in the property and/or relationship to the owner  
(Applications submitted on behalf of the owner of record must be accompanied by a signed letter of authorization):  
tenant

**B. Property Information:**

The identity of every owner and beneficiary of any land trust must be disclosed.

Property Owner(s): Tinley Square LLC c/o Network Prop. Mgt  
Mailing Address: 7820 Graphics Dr  
City, State, Zip: Tinley Park IL 60477  
Property Address: 17030 S. Oak Park Ave Tinley Park  
Permanent Index No. (PINs) 28-30-115-020 thru 025; 029; 030  
Existing land use: retail center  
Lot dimensions and area: 47,087 271 x 175

**C. Petition Information:**

Present Zoning District: NG  
Requested Zoning District: X

Is a Special Use Permit being requested (including Planned Developments):

Yes ☒ No ☐

If yes, identify the proposed use: RECREATION USE (FITNESS Gym)  
To open for business at 5pm

Will any variances be required from the terms of the Zoning Ordinance?

Yes ☐ No ☒

If yes, please explain (note that Variation application will be required to be submitted):  
[REDACTED]

The Applicant certifies that all of the above statements and other information submitted as part of this application are true and correct to the best of his or her knowledge.

8/27/17  
Date



- A. That the establishment , maintenance, or operation of the special use will net be detrimental to or engage the public health, safety morals, comfort, or general welfare.**

Mile 1 Fitness is a facility intended to promote public health and safety, by improving the heath and wellness of the community through fitness

- B. That the special Use will not be injurious to the use and enjoyment of the other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair the property values within the neighborhood.**

While we wish to opening early, the majority of our open hours falls outside most businesses in the plaza. We have more than adequate parking that we will not impose on other businesses. We will be playing music during our open hours, I have personally tested how far the music travels outside the building and i can guarantee that the sound does not travel more that 5 feet from the front, 0 feet on all adjacent sides of the building. The unit on the north side of the our Unit is vacant, I managed to acquire access to the unit to verify that the the sound does not travel to the next unit.

- C. That the establishment of the special Use will not impede normal and orderly development and the improvement of the surrounding property for the uses permitted in the district**

This unit has been vacant for over a year. We plan to upgrade the unit by converting the current bathroom to make it handicap accessible. We also wish to add a second bathroom and put in showers in both bathrooms. We will also be painting the interior to freshen up the entire unit.

- D. That the adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provides**

Our location is ideal for Mile1 Fitness, We have two fantastic access points. One access is straight off of Oak park avenue and the other is from the alley at the rear which connects to 171st street and also 170th Street. With so much access to our location customers will have more that one option.

- E. That adequate measure have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

With the research I have done about facilities like Mile 1 Fitness, costumers tend to come fully ready to workout and rarely if ever use the showers. Customers tend to leave immediately after the finish their workout. To book into a class they will have to sign and pay online. A customer cannot just arrive and hope to workout. This eliminates people coming early to sign up for a class and give us the power to keep our classes to the size we want. We will be have 10-15 mins between each class so this in turn will decrease any chance of congesting of costumers being at the location at the one time.

- F. That the Special Use shall in all other respects conform to the applicable regulations to the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the plan commission**

We made sure our lease is contingent that Mile1 Fitness obtained all the permits we need to run our Fitness center. We will not open unless we to obtain all the permits we need in to confirm to the regulations to the district

**G. The extent to which the special Use contributes directly or indirectly to the economic development of the communities a whole.**

Again the unit that we wish to open Mile 1 Fitness has been vacant for over a year, like all other business in Tinley park, the owner of the building will be receiving money from us, in which part of our rent will be paying property tax here in Tinley. We hope to have customers from Tinley park and neighboring towns. All in which will be spending money right here in Tinley Park. Our facility is intended to promote health and wellness which i believe will benefit the community as a whole

August 24, 2017

To The Village of Tinley Park Board Members,

My name is Mark Higgins, and I am the owner/manager of Mile 1 Fitness. I am originally from Ireland and moved to the USA in 2005. I am proud to say I have been living in Tinley Park for over 11 years. In Ireland I was a physical therapist and massage therapist, and am currently a licensed massage therapist here in the United States for the last 11 years. I have worked as a trainer with the US Olympic Team for both the Beijing Olympics in 2008 and the London Olympics in 2012. I have also worked with the US Soccer Team since 2007 and have been to several World Cups with them. Fitness and wellness have always been my passion, and now I want to promote my passion/enthusiasm in the community where I reside.

Mile 1 Fitness is a workout experience unlike any you have ever seen. We work endlessly to provide the most efficient workout program around while also working just as hard to make sure all our customers have fun too. Our focus is group fitness classes, working with heart-rate monitors for the most efficient workout possible. With the heart-rate system that we'll be using, our customers will get the truest feedback from their workout. They will get instant feedback from our TV screens showing their heart rate and how hard they are working and/or where they should be to get the most out of their workout. After every session our customers will get a personalized email detailing how they did during the workout; for example, the total calories burned. It will be easy for all our customers to track their progress and see how close they are to achieving their goals.

Our set up will include a reception area and 2 fitness rooms:

Room 1 will have Treadmill Classes. We will have 10 treadmills, 10 rowing machines and some light dumbbells. This room will predominately focus on cardiovascular fitness classes combined with body weight toning and conditioning.

Room 2 will house Spin Classes. We will have 10-12 Spin Bikes and some Yoga mats. This room will predominately have spin classes combined with body weight toning exercises.

(Please find enclosed pictures of the equipment we intend to use and images of the heart-rate based training)

Our classes will be 55 minutes in total. Initially we will be offering 7 classes per day of the Treadmill fitness and 6 classes per day of the Spin fitness Monday to Friday. On Saturday and Sunday we will offer 3 classes of the Treadmill classes and 3 Spin fitness classes. Both Treadmill and Spin classes will begin at the exact same time. Our plan initially will be to offer classes at 5:00am, 6:05am, 7:10am (9:15am Treadmill Fitness only\*), 4:15pm, 5:20pm and 6:30pm Monday to Friday. Our Saturday and Sunday times will be 6:00am, 7:05am and 8:10am. As we progress and become more popular I will be hoping to extend the hours in the evening with the intention of closing no later than 9:00pm.

The retail unit we are hoping to use is 2191 square feet. It has been vacant for over a year. It has working central air and currently one bathroom. Our plan is to renovate the current bathroom in order to make it handicap accessible and also add a shower. We also are hoping to add a second bathroom with a shower. Through my research of fitness facilities that offer what we intend to offer, customers rarely, if ever, use the showers and come already changed and

ready to workout. Because of this, we will not be putting in a locker room. We will have cubbies in both workout rooms available for customers to hang coats and store other personal items.

I will be aiming to hire 6-8 part time employees, but the most that will be there at any one time will be 3 employees. Our target size for classes will vary a little from class to class; however, the maximum amount for the Treadmill Fitness classes will be 15-20 and for the Spin Fitness classes, 10 -12. In our lease we have secured the 10 parking spaces adjacent to the unit; we also have over 20-30 shared parking spaces that the commercial center provides. The shared spaces will include 3 spaces in the front, including a handicap space, 4 spaces at the rear and over 20 shared spaces in a parking lot across the street from the rear of the building. (I have attached a picture with the parking mapped out.) There is much more shared parking but this will be more than enough for Mile 1 Fitness at peak flow.

As I mentioned before with the research I have done about facilities like Mile 1 Fitness, customers tend to come fully ready to work out and rarely use the showers. Customers tend to leave immediately after they finish their workout. To book into a class they will have to sign and pay online. A customer cannot just arrive and hope to workout. This eliminates people coming early to sign up for a class and gives us the power to keep our classes to the size we want. We will have 10-15 minutes between each class so this in turn will decrease any chance of customer congestion at the location at any one time.

As for neighboring businesses, we will impede very little. Our scheduled class times fall outside the majority of their business hours. Most businesses' hours on the plaza are 9am - 4pm or 10am - 5pm, (Tinley Pub and Eatery is the only business that falls outside those hours ) But I did not add their shared parking or any other business's shared parking in the front of the building when adding the spaces available for my customers.

From my own inspection there are plenty of street lights in the front of the building. Also there is building light looking over the 10 secured parking spaces. There are 2 street lights located in the parking lot and also 2 street lights located on the alley at the rear of the building. Being that we will be having group fitness we will be playing music to keep the motivation throughout the class. As I mentioned I intend to have the building set up with the two separate training rooms, so we will have a separate sound system for each room. My intention is to have the reception area quiet (which will be in the middle of the building) with no sound system. Because we will not have speakers throughout the entire building this will dramatically decrease the level of sound in the surrounding units. I have personally gone into the unit and played music at the level that we will be using in our classes. If you are more than \_\_\_\_ feet away from the building in the front you cannot hear the music. If you are more that \_\_\_\_ in the rear you cannot hear the music. On the south side of the building there is a parking lot where you cannot hear the music at all. On the north side of the unit there is a vacant unit; unfortunately I was not able to get into this unit to see what the sound level is like.

As I mentioned in my first paragraph, fitness is my passion. I believe that Mile 1 Fitness will be a great addition to the Village of Tinley Park. There are numerous gyms in the USA that really don't care if you achieve your personal goal or not. Honestly that is not good enough for me. My goal is to stand out above other group fitness gyms by promoting a community atmosphere where everyone is working together to support each other. Mile 1 Fitness is not going to be like any other gym. We are not a big franchise gym; customer care/appreciation is a hundred times more important to us than it will be for any big gym. Our customers are going to get so much more than just a hard workout at Mile 1. Our goal is to be known more as a community of people who are truly here to help you achieve your goals. Our mission will be to

ensure that after every session our customers leave motivated, confident, empowered (and also a little tired). Being a resident of Tinley Park, I know that Tinley Park has always put a strong emphasis on community and wellness. I have no doubt Mile 1 Fitness will be a great addition to the Village of Tinley Park.

Sincerely,

[Redacted Signature]

Mark Higgins  
Mile 1 Fitness

**Heart Rate Class**



**Our Treadmills**

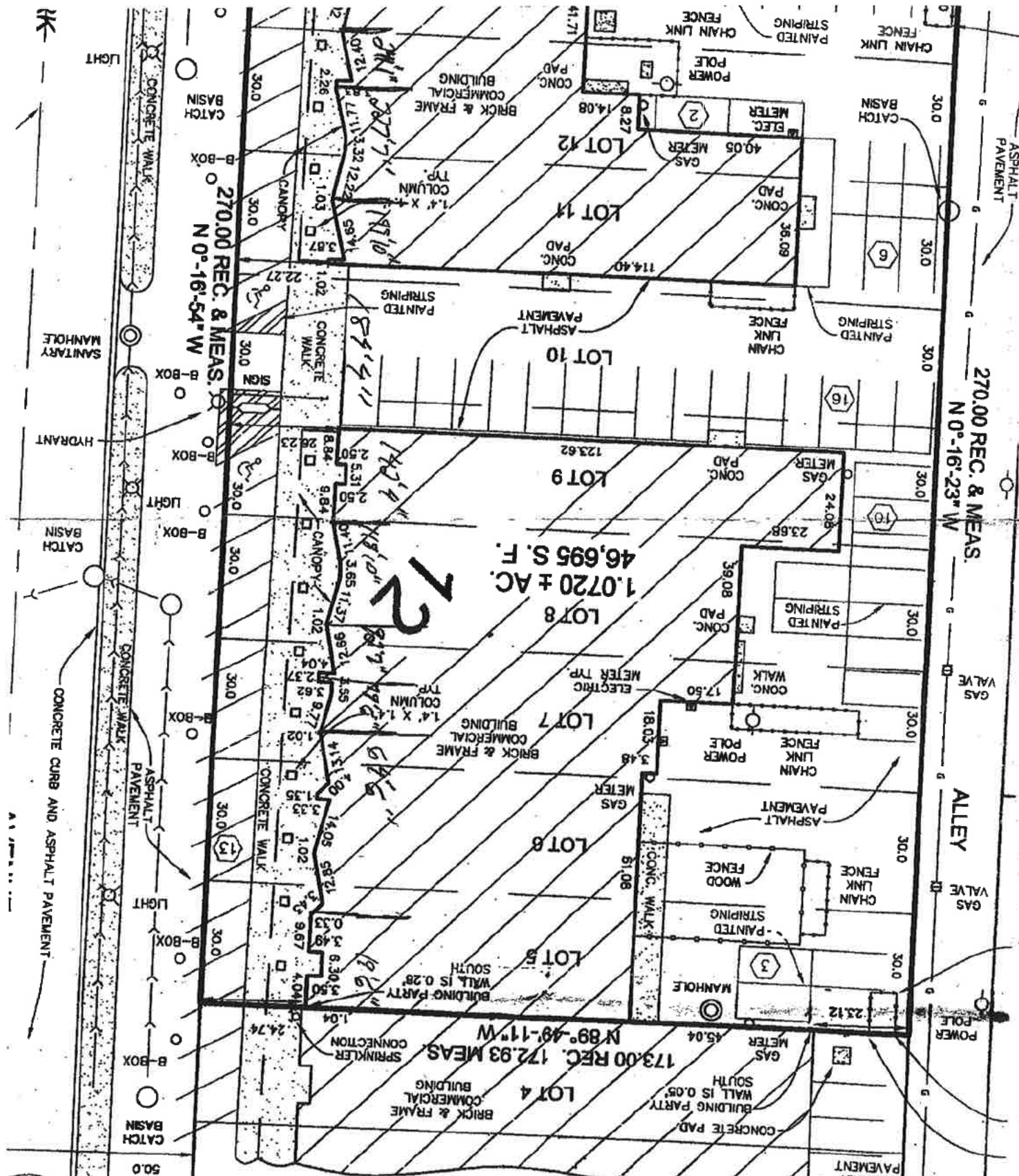


**Our Spin Bikes**



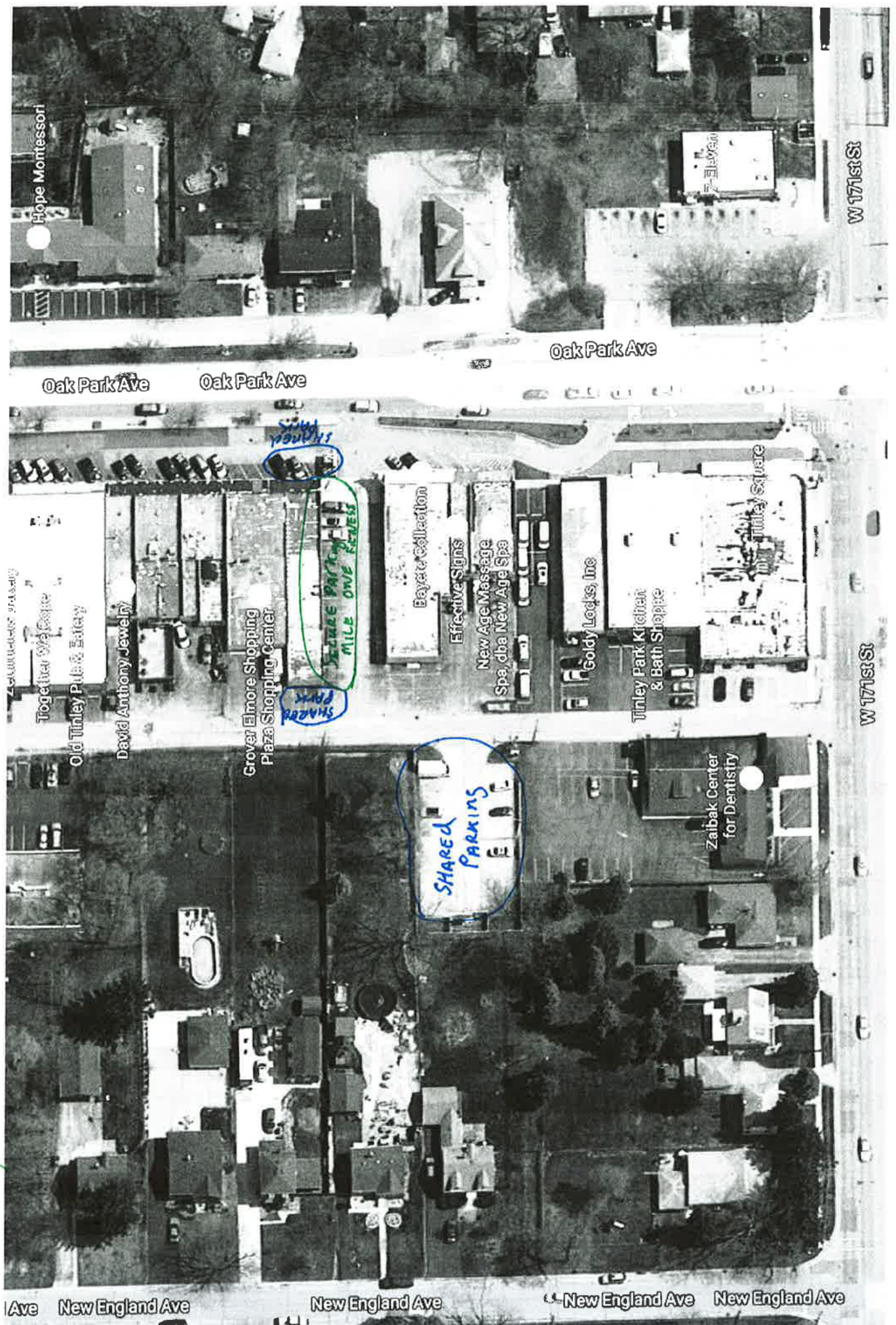
**Our Rowers**







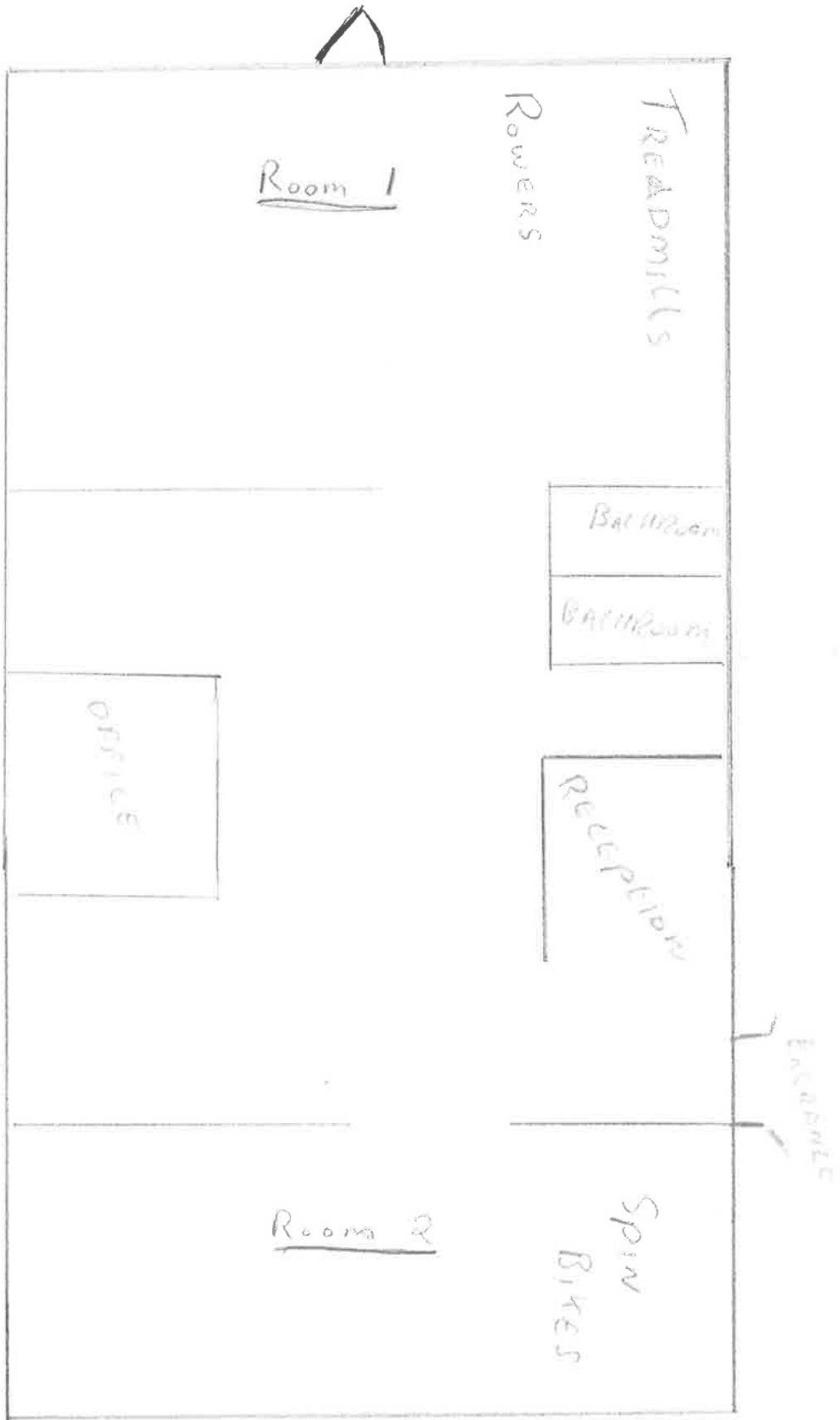
Parking Map



OAK PARK AVENUE

N ↑

# Mile 1 Fitness





## Project Planner

Stephanie Kisler, AICP  
Planner I

## Text Amendments to the Zoning Ordinance: Fence Regulations



## EXECUTIVE SUMMARY

Staff would like to discuss potential Text Amendments to the Village's Fence Regulations (Section III) and related Definitions (Section II) in order to improve regulations for fences, especially for nonconforming lots, corner lots, and replacement of nonconforming fences.

The Zoning Board of Appeals hears several variance requests for fences from residents on corner lots each year. Many of these requests share similar situational characteristics. The quantity of requests and approvals by the Village Board has prompted Staff to examine potential changes to the Zoning Ordinance to alleviate the need for a variance process in some instances.

We encourage the Plan Commission to review the current Fence Regulations within Section III.H. of the Zoning Ordinance (also included within the attached draft Text Amendments for reference) and note any questions or comments about the current regulations. Additionally,

Staff encourages the Plan Commission to notice existing fences throughout Tinley Park and study whether the locations and materials of the fence appear harmonious with neighboring properties. A draft Text Amendment is included in the meeting packet.

Staff will prepare a presentation to foster discussion on various potential changes to improve the Fence Regulations. If any Plan Commissioners wishes to provide any images to discuss or has any specific fence scenarios to discuss, please let Staff know.

## GOAL OF THE WORKSHOP

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The goal of this workshop is to receive feedback from the Plan Commission on what aspects of fences are allowable or should be prohibited. A draft Text Amendment for changes to Fence Regulations is included in the meeting packet for review.

Staff needs direction and feedback on:

1. Where fences should be allowed (and if different locations require conditions);
2. What heights are allowable;
3. What styles are appropriate and how to define them;
4. What materials are allowable;
5. Thoughts on how to best clarify definitions related to fences, lot types, and yards; and
6. Appropriate use of administrative variations.

## VISION

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Staff encourages the Plan Commission to be mindful of the Village's vision for aesthetics when considering fence regulations. The aesthetics of a community help define its character and fences play a role in those aesthetics. Staff notes that many fences already exist in ways that may not necessarily match the vision; however, this is an opportunity for the Zoning Board of Appeals, Plan Commission, and Village Board to all collaborate in an effort to shape the aesthetics of fencing for years to come.

## CONSIDERATIONS

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1. Fence Location – where can fences be located on a property?
  - Option: Must meet the required setback for front yards
  - Option: Can extend into the “secondary front yard” (non-addressed front yard) – with or without certain conditions for height and style
  - Option: Can extend into any front yard – with or without certain conditions for height and style
  - Other thoughts on locations?
2. Fence Height – how tall can fences be?
  - Keep the maximum height of 6’?
  - Require a minimum height?
  - How is height measured? Top of the rails or top of the posts?
3. Fence Style – what style of fences are appropriate?
  - Privacy versus open/decorative fences
  - What is the percentage of openness that a fence needs to be to be considered an open style fence?
4. Fence Materials – what types of fencing should be allowed?
  - PVC/vinyl
  - Wrought iron
  - Aluminum
  - Galvanized Steel
  - Masonry
  - Wood
  - Chain-Link
  - Landscaping – is this considered a fence?

- Should we also address allowable color palettes?
  - Should we require uniformity along certain streets or neighborhoods?
5. Definitions related to fences, lot types, and yards (see attached graphic showing lot types and yards)
- Clear Vision Triangle
  - Fence
  - Fence Height
  - Solid/Privacy Fence
  - Open/Decorative Fence
  - Living Fence
  - Lot
  - Corner Lot
  - Corner Through Lot
  - Flag Lot
  - Interior Lot
  - Interior Key Lot
  - Reversed Corner Lot
  - Through Lot
  - Front Yard
  - Primary Front Yard
  - Rear Yard
  - Secondary Front Yard
  - Side Yard

Other important things to consider:

- Should fences be allowed in the front yard at all? What about a minimum setback requirement throughout the Village?
- Should the adjacent street's speed limit affect the allowable location of a fence? (think of a fence along 171st Street vs. a corner lot within the heart of a residential subdivision)
- Should certain major streets have requirements that all fences along that street must match? (think 80th Avenue and the different fences seen when traveling north and south)
- How can we mitigate aesthetic concerns with fences along public rights-of-way? Landscaping requirements? Requiring uniform-looking fences?
- If a fence currently exists at a nonconforming location, should it be allowed to be replaced at the same location? What if there is not a permit on file?
- Should fences be allowed at the established building line regardless of the building setback? (think of an older home that was built at a 12' setback where 30' is the current requirement; should the fence be allowed to align with where the home was built?)
- In what cases should fence locations be able to be approved administratively? In what cases is it necessary to involve the ZBA or Village Board?

## **SUMMARY OF ZONING BOARD OF APPEALS WORKSHOP**

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The Zoning Board of Appeals held a workshop on the draft Text Amendments for Fence Regulations at their September 14, 2017 meeting. The ZBA discussed the vision and considerations listed previously in the Staff Report and reviewed the draft Text Amendments thoroughly.

In summary:

- There was concern for regulating color of fencing more specifically – Staff should detail acceptable colors;
- Maintenance standards should be more clearly defined (what is “neat?”);
- Allowable materials should include stone or concrete for perimeter fencing;
- Clarify that the Zoning Administrator can approve fence materials similar to what is allowed;
- Remove chain-link from the prohibited fence materials list – this should be allowed; however, slats in the chain-link should not be allowed because they are often a maintenance issue;
- Add glass to the list of prohibited fence materials;
- Use “top of panel” rather than “top of rails” when defining height of the main sections of the fence;
- Consider regulations for certain roads that have fences along them and have higher speed limits;
- Hedges should not be regulated as fences – too difficult to administrate;
- The definition for “through lot” and “corner through lot” needs to be edited to allow the Zoning Administrator to allow fences on the property line in certain scenarios (think lots backing up to 80<sup>th</sup> Avenue versus the few random lots along 171<sup>st</sup> Street that are flipped the other way); and
- Overall, the ZBA was in agreement with other aspects of the draft Text Amendment.

## **RECOMMENDATION**

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Following a successful workshop, proceed to a Public Hearing at the October 5, 2017 Plan Commission meeting.

**TEXT AMENDMENT: FENCE REGULATIONS****Draft 8/28/2017****Section III of the Zoning Ordinance****CURRENT CODE:****Residential:**

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Fences		P	P		P	Not exceeding six (6) feet in height above natural grade level in the side and rear yard. Fences not exceeding six (6) feet in height above natural grade level projecting not more than ten (10) feet into the required setback on the side yard street frontage of a corner lot in a Residential Zoning District, provided that the Zoning Administrator or his designee determines that the provisions of Section III.G of this Ordinance will be maintained and that there will be no obstruction to the visibility of vehicular or pedestrian traffic. If the Zoning Administrator deems that such a visibility obstruction would occur, he may require that all portions of the fence be constructed of an open design, or of a shorter height, or a combination of both, or the Zoning Administrator may deny the request. The determination of the Zoning Ordinance may be appealed to the Zoning Board of Appeals pursuant to Section X.F of this Ordinance.

**Commercial:**

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Fences and walls		P	P			Not exceeding six (6) feet in height above natural grade level in the side and rear yard.

**Industrial:**

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Fences and walls		P	P			Not exceeding six (6) feet in height above natural grade level in the side and rear yard.

**TEXT AMENDMENT: FENCE REGULATIONS****Draft 8/28/2017****Section III of the Zoning Ordinance****PROPOSED TEXT AMENDMENTS:****Residential:**

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Fences		P	P		P	See additional regulations in Section III.J.

**Commercial:**

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Fences		P	P			See additional regulations in Section III.J.

**Industrial:**

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Fences		P	P			See additional regulations in Section III.J.

## TEXT AMENDMENT: FENCE REGULATIONS

Draft 8/28/2017

### J. Fence Regulations *(this amendment involves re-alphabetizing subsequent sections)*

#### 1. Permit Required

- a. A building permit is required for all work performed in association with the construction, alteration, or relocation of a fence except as outlined in Section III.J.1.b.
- b. Exemptions: The following circumstances do not require a building permit; however, they are subject to the regulations within Section III.J.2.:
  - (1) Repairs of not more than one (1) eight foot (8') section of fencing per year on a legally permitted fence;
  - (2) Fences two feet (2') in height or less; and
  - (3) Planting of continuous living fences.

#### 2. Regulations for All Zoning Districts

##### a. Location

##### (1) Permitted Fence Location

PERMITTED FENCE LOCATION BY LOT TYPE AND YARD TYPE				
LOT TYPE	YARD TYPE			
	Front/Primary Front	Secondary Front	Side	Rear
Interior Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Interior Key Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Corner Lot	Fence Permitted at or behind Required Setback Line	See Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Reversed Corner Lot	Fence Permitted at or behind Required Setback Line	See Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Through Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Corner Through Lot	Fence Permitted at or behind Required Setback Line	See Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Flag Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line

##### (2) Rights-of-Way, Drainage, and/or Utility Easements:

- (i) No private fences shall be allowed or constructed within public street, highway, or alley right-of-ways.
- (ii) Fences may, by permit and written approval, be placed on drainage and/or public utility easements, so long as the fence does not interfere in any way with existing drainage patterns, underground, ground, or above-ground utilities.
- (iii) Fences shall not obstruct access to utilities. A gate or moveable section of fencing may be required.

## TEXT AMENDMENT: FENCE REGULATIONS

Draft 8/28/2017

- (iv) The Village or any utility company having authority to use such easements shall not be liable for repair or replacement of such fences in the event they are moved, damaged, or destroyed by virtue of the lawful use of said easement.

### b. Materials

- (1) Fences shall consist of materials that are found by the Zoning Administrator or their designee to be durable and weather resistant. Fencing shall be painted, rust-proofed or otherwise protected against damage and decay so as to present and orderly appearance.
- (2) All fences shall be maintained in good, structurally sound repair and in a neat, clean, presentable and attractive condition.
- (3) Allowable Materials:
  - (i) PVC/vinyl
  - (ii) Wood
  - (iii) Wrought iron
  - (iv) Aluminum
  - (v) Galvanized steel (open style fencing only)
  - (vi) Masonry
  - (vii) Living fences (plant material/hedges)
- (4) Prohibited Materials:
  - (i) Chain-link (bare or coated)
  - (ii) Barbed wire
- (5) Orientation of Finished Side: When a fence has a finished or decorative side, it shall be oriented to face outward toward adjacent parcels or street rights-of-way (away from the interior of the lot upon which the fence is erected).
- (6) Fencing shall not have sharp edges.
- (7) Fencing shall be neutral/natural colors.

### c. Height

- (1) Maximum Height:
  - (i) Top of Posts: six feet, six inches (6'6") when measured from grade.
  - (ii) Top of Rails: six feet (6') when measured from grade.

## 3. Fences in Secondary Front Yards

- a. Administrative Review Required: Fences proposed within secondary front yards are subject to review by the Zoning Administrator or their designee. The fence shall be reviewed in context with the surrounding area and must meet certain requirements.

- (1) Appeals: In the instance that the Zoning Administrator or their designee denies the fence location as proposed, the Petitioner may appeal the denial before the Zoning Board of Appeals.

### b. Requirements:

- (1) The property must be within a residential zoning district (R-1, R-2, R-3, R-4, R-5, R-6, & R-7).
- (2) The fence must be consistent with the aesthetics of other fences in the surrounding area.
- (3) The fence cannot cause a negative impact to safety of pedestrians or vehicles.
- (4) The fence cannot abut a neighboring front/primary front yard.
- (5) The fence must be a maximum height of four feet, six inches (4'6") at the top of the posts and four feet (4') at the top of the rails when measured from grade.
- (6) The fence must be open or decorative in style and have a minimum of fifty percent (50%) open space between rails and posts.



## TEXT AMENDMENT: FENCE REGULATIONS

Draft 8/28/2017

c. Permitted Location:

- (1) A fence meeting the requirements in Section III.J.3.b. may be permitted, subject to Administrative Review, to encroach up to ten feet (10') into the required front yard setback.
- (2) In the instance that a residential structure is nonconforming to the required front yard setback, a fence meeting the requirements in Section III.J.3.b. may be permitted, subject to Administrative Review, to encroach into the required front yard setback to align with the established setback of the residential structure.

(3) Allowed on property line along certain arterial roads? Based on speed limit?

4. Temporary Fences

- a. Temporary fences may be authorized by the Zoning Administrator or their designee for the purposes of securing or enclosing an area for a limited period of time (ex. construction sites, special events, and unsafe structures).

5. Nonconforming Fences: Fences existing at the time of the enactment of this Section III.J., or any amendment thereto, or at the time of annexation to the Village of the property on which they are located and not conforming to the provisions of this Section III.J., shall be regarded as nonconforming fences – either a legal nonconforming fence or an illegal nonconforming fence.

- a. Legal Nonconforming Fences: These fences were constructed with a permit on file with the Village. Minor ordinary repairs and maintenance (not exceeding repair on one (1) eight foot (8') wide section of fencing per year) may be completed on such fence. Nonconforming fences shall not be changed or altered in any manner that would increase the degree of its nonconformity or structurally altered to prolong its useful life.
- b. Illegal Nonconforming Fences: These fences were constructed without a permit. Such fences shall be immediately removed by the property owner or a variance must be obtained.

## TEXT AMENDMENT: FENCE REGULATIONS

Draft 8/28/2017

### Section II of the Zoning Ordinance (Definitions)

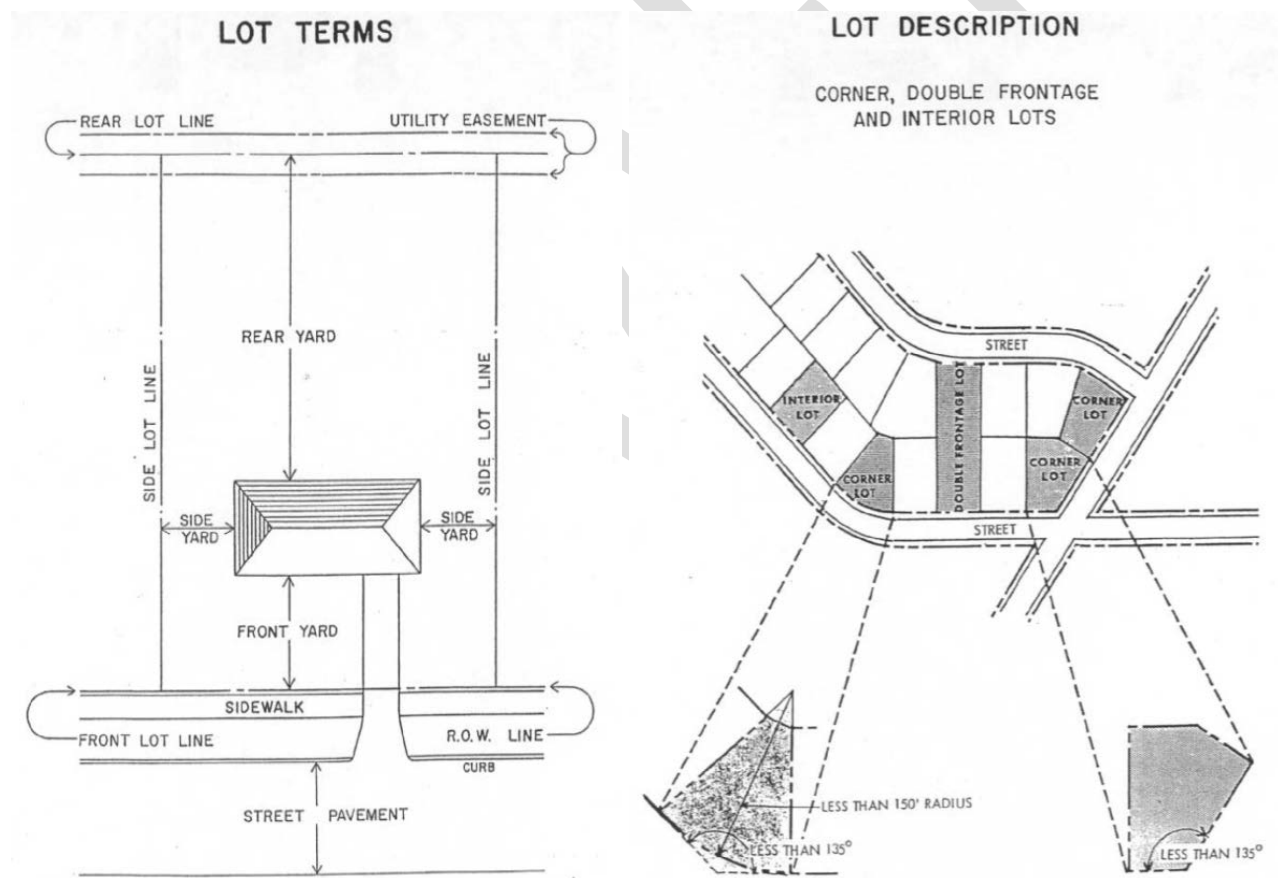
#### CURRENT CODE:

**FENCE**: A Fence is a structure, tree or shrub hedge, which is a barrier and used as a boundary or means of protection or confinement

**FENCE, OPEN**: An Open Fence is a Fence, including gates, which has, for each one (1) foot wide segment extending over the entire length and height of the Fence, fifty (50) percent of the surface area in open spaces which afford a direct view through the Fence.

**FENCE, SOLID**: A Solid Fence is a Fence, including gates, which conceals from view from adjoining properties, streets, or alleys, activities conducted behind it.

**LOT**: A Lot is a parcel of land occupied or intended for occupancy by a use, building, or structure together with its accessory uses, open spaces, lot width, and areas are required by this Ordinance, and having its principal frontage upon a public street or upon an officially approved private way used for street purposes. A Lot need not be a Lot of Record.



**LOT, CORNER**: A Corner Lot is a lot having at least two (2) adjacent sides abut for their full length upon a street, provided that such two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a Lot is on a curve, if tangents through the extreme point of the street line of such Lot make an interior angle of less than one hundred thirty-five (135) degrees, it is a Corner Lot.

## TEXT AMENDMENT: FENCE REGULATIONS

Draft 8/28/2017

**LOT, DOUBLE FRONTAGE:** A Double Frontage Lot (Through Lot) is an Interior Lot having frontage on two (2) more or less parallel streets as distinguished from a Corner Lot.

**LOT, INTERIOR:** An Interior Lot is a lot other than a Corner Lot.

**YARD, FRONT:** A Front Yard is a Yard extending across the front of a Lot between the Side Yard lines, and being the minimum horizontal distance between the street line and the main building, or any projections thereof, other than the projection of the usual steps, entranceway, unenclosed balconies, or open porch.

**YARD, REAR:** A Rear Yard is a Yard extending across the rear of a Lot measured between the Side Lot Lines, and being the minimum horizontal distance between the Rear Lot Line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. On Corner Lots, the Rear Yard shall be considered as parallel to the street upon which the Lot has its least dimension. On both Corner Lots and Interior Lots, the Rear Yard shall in all cases be at the opposite end of the Lot from the Front Yard.

**YARD, SIDE:** A Side Yard is a Yard between the main building and the Side line of the Lot, and extending from the Front Lot line to the Rear Yard Line.

## TEXT AMENDMENT: FENCE REGULATIONS

Draft 8/28/2017

### Section II of the Zoning Ordinance (Definitions)

#### PROPOSED TEXT AMENDMENTS:

**CLEAR VISION TRIANGLE**: A Clear Vision Triangle is a triangular area on private property that must be free of visible obstructions in a vertical zone measured two (2) feet to eight (8) feet above grade. The purpose of a Clear Vision Triangle is to ensure pedestrian, bicycle, and vehicular safety.

**FENCE**: A Fence is a linear structure or partition of definite height and location erected upon or near the dividing line between adjoining property owners. Fences are intended to serve as: a physical barrier to property ingress and egress; a screen from objectionable views or noise; a marker; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall be considered fences for the purpose of this Ordinance when placed in a manner and position to meet the intentions of a fence.

**FENCE HEIGHT**: Fence Height is the vertical distance measured from the adjacent grade to the top of the fence posts or rails.

**FENCE, SOLID/PRIVACY**: A Solid/Privacy Fence is a fence, including gates, designed and constructed so that the surface area of any segment of such fence is more than fifty percent (50%) opaque.

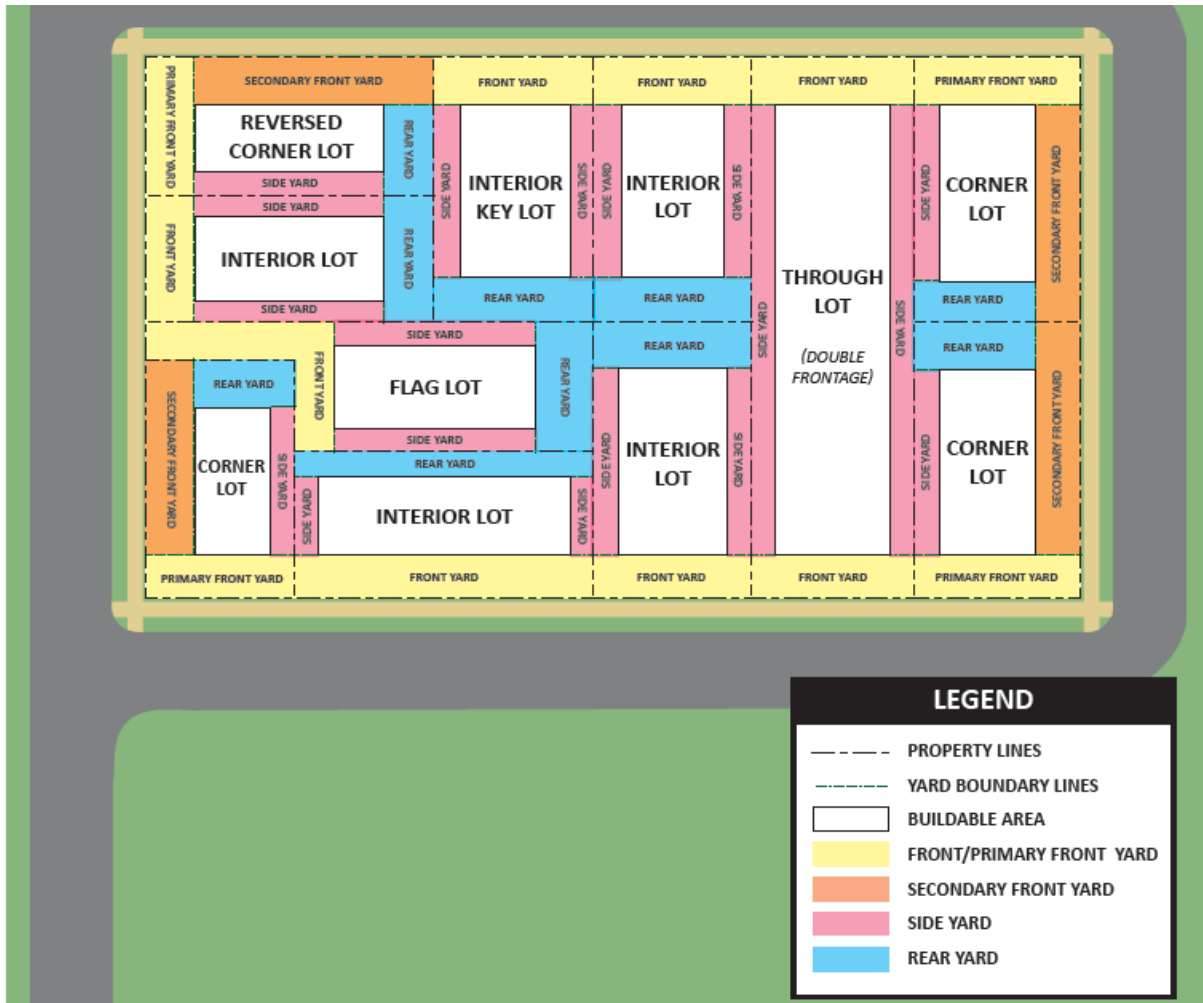
**FENCE, OPEN/DECORATIVE**: An Open/Decorative Fence is a fence, including gates, designed and constructed so that the surface area of any segment of such fence contains at least fifty percent (50%) open spaces, as compared to solid materials.

**FENCE, LIVING**: A Living Fence is a hedge of vegetation used as a fence. At the time of maturity said vegetation would prevent an “open” effect and would block the normal line-of-sight.

**LOT**: A Lot is a parcel of land occupied or intended for occupancy by a use, building, or structure together with its accessory uses, open spaces, and areas required by this Ordinance, and having its principal frontage upon a public street or upon an officially-approved private way utilized for street purposes. A Lot need not be a Lot of Record.

## TEXT AMENDMENT: FENCE REGULATIONS

Draft 8/28/2017



**LOT, CORNER:** A Corner Lot is a lot having at least two (2) adjacent sides that abut for their full length upon streets. Both such lot lines shall be considered front lot lines.

**LOT, CORNER THROUGH (TRIPLE FRONTAGE):** A Corner Through Lot is a lot having at least three (3) adjacent sides that abut for their full length upon streets. **All such lot lines shall be considered front lot lines.**

**LOT, FLAG:** A Flag Lot is a lot having only a narrow access strip fronting on a street.

**LOT, INTERIOR:** An Interior Lot is a lot with a single frontage on a street.

**LOT, INTERIOR KEY:** An Interior Key Lot is a lot with a side lot line that abuts the rear lot line of one or more adjoining lots.

**LOT, REVERSED CORNER:** A Reversed Corner Lot is a corner lot with a rear lot line abutting a side lot line of another lot (typically, an interior key lot).

**LOT, THROUGH (DOUBLE FRONTAGE):** A Through Lot is a lot having frontage on two (2) nonintersecting streets. **Both such lot lines shall be considered front lot lines.**

## TEXT AMENDMENT: FENCE REGULATIONS

Draft 8/28/2017

**YARD, FRONT/PRIMARY FRONT:** A Primary Front Yard is a street-side yard that measures the smallest dimension on a corner lot. Lots will only have one primary front yard. In situations where the dimensions are similar or unclear, the Zoning Administrator or their designee will determine the primary front yard.

**YARD, REAR:** A Rear Yard is a yard extending across the rear of a lot measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots, the Rear Yard shall be at the opposite end from the primary front yard. On interior lots the Rear Yard shall in all cases be at the opposite end of the lot from the front yard.

**YARD, SECONDARY FRONT:** A Secondary Front Yard is a street-side yard that measures the larger dimension on a corner lot. Through lots that are also corner lots may have more than one secondary front yard. In situations where the dimensions are similar or unclear, the Zoning Administrator or their designee will determine the secondary front yard(s).

**YARD, SIDE:** A Side Yard is a yard extending between the front yard and rear yard and situated between the side lot line and the face of the principal building.