



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

**March 21, 2019 – 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 March 7, 2019 Regular Meeting

**Item #1 PUBLIC HEARING: SECONDARY FRONT YARD / CORNER FENCE HEIGHT
 – TEXT AMENDMENT**

Consider a proposed text amendment to the Tinley Park Zoning Ordinance. Section III.J (Permitted Encroachments in Required Yards) of the Zoning Ordinance related to regulations for the height of fences located in a secondary front yard. The purpose of this amendment is to align the height requirements for pools and all fences permitted in the Village. The text amendment would increase the maximum height of a fence permitted in a secondary front yard through administrative approval by one foot (1') in height from four feet (4') to five feet (5'). The Petitioner is the Village of Tinley Park.

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**

March 7, 2019

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on March 7, 2019 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Plan Commissioners: Ken Shaw, Chairman
Tim Stanton
Angela Gatto
Lucas Engel
Garrett Gray
Eduardo Mani
Chuck Augustyniak
MaryAnn Aitchison
Stephen Vick

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Planning Manager
Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

CALL TO ORDER

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for March 7, 2019 at 7:01 p.m.

COMMUNICATIONS

None at this time

APPROVAL OF MINUTES

Minutes of the February 21, 2019 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER GATTO, to approve the Minutes as presented. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved as presented.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE MARCH 7, 2019 REGULAR MEETING

Item #1 PUBLIC HEARING: SHORT TERM RENTAL – TEXT AMENDMENT

Consider a proposed text amendment to the Tinley Park Zoning Ordinance. Section II.B (Definitions) and Section V.B. (Schedule of Regulations) for short-term rental uses. The purpose of this amendment is to add definitions and to modify the schedule of use regulations to permit short-term rentals in residential zoning districts as an accessory use and prohibit them in non-residential zoning districts. The Petitioner is the Village of Tinley Park.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman
Tim Stanton
Angela Gatto
Lucas Engel
Garrett Gray
Eduardo Mani
Chuck Augustyniak
MaryAnn Aitchison
Stephen Vick

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Planning Manager
Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

Guests: None

A Motion was made by COMMISSIONER AUGUSTYNIK, seconded by COMMISSIONER MANI, to open the Public Hearing for Short Term Rental - Text Amendments. The Motion was approved 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.

Kimberly Clarke, Planning Manager gave a presentation as noted in the Staff Report. Staff is proposing a Text Amendment to the Tinley Park Zoning Ordinance, Section 11.B (Definitions) and Section V.B. (Schedule of Regulations) for short-term rental uses. The purpose of this amendment is to add definitions and to modify the schedule of use regulations to permit short-term rentals in residential zoning districts and prohibit them in non-residential zoning districts.

After the February 7, 2019 Workshop staff did more research and has come back with more definitive regulations. Some communities, like ours, are not seeing a lot of short term rentals, but it is important to start looking at the codes and establish some regulations which can be adjusted as needed.

Currently, the only permitted use in the Zoning Ordinance similar to Short Term Rentals is “Bed and Breakfast” which is only permitted in the B-3 Zoning District. Staff has differentiated Short Term Rental from a Bed and Breakfast The current definition is below.

BED AND BREAKFAST: A Bed and Breakfast facility is a transient lodging establishment, generally in a single family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

In order to differentiate STR from a Bed and Breakfast, Staff recommends the following definitions be amended and added to Section II.B (Definitions):

(Amended) BED AND BREAKFAST: A Bed and Breakfast facility is a transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation. The term bed-and-breakfast" does not include short-term rental properties.

(New) SHORT-TERM RENTAL: A dwelling unit that is used as a primary residence by owners or renters, or portion of such a unit, that is rented for less than 30 days at a time, with the exception of dwelling units owned by the federal government, the state, or any of their agencies or political subdivisions and facilities licensed by the state as health care facilities.

At the Workshop, there was a consensus from the Plan Commission that a distance requirement should be established. Staff calculated the average lot width of the R-1 thru R-5 zoning districts. The average came out to approximately 80 linear feet for detached homes. Using that as a measure, if a distance of 500 feet were required that would allow for one (1) short-term rental per every 6th home on a block. This distance measurement would also include any right-of-way. For Single-Family attached this would be one townhome unit at every 6th townhome unit.

Staff was not able to identify any community that placed a limitation on the percentage of short-term rentals permitted in a multi-family complex. Based on the recommended best practices, a percentage should be required for multi-family. Staff is recommending limiting multi-family buildings to 25% that could be short-term rental. Multi-family generally have their own regulations. There should be something in the code in case there is a complaint. The intent is to assure that an apartment complex does not become all short-term rental. There will be changes to the schedule of permitted uses and will include short-term rental as an accessory use to a dwelling unit. This will be permitted throughout all the residential zoning districts with some caveats that limits the separation of 500 feet from all lot lines from any other short-term rentals. The multi-family zoning districts have the 25% of the total number of units requirement. The rest of the items will be regulated through the licensing program. This would give the Village the right to revoke a license for violations. This gives some zoning authority to make sure there is compliance for new licenses.

CHAIRMAN SHAW asked for comments or questions from the Commissioners.

COMMISSIONER SHAW inquired as to what other communities have been doing short-term rentals. He noted it would be good to share ideas with these communities.

COMMISSIONER AUGUSTYNIAK noted he is glad that there is some type of language to protect the community. Ms. Clarke noted the home must be the primary residence and through the licensing, it will be controlled.

COMMISSIONER AITCHISON inquired how the rentals will be monitored. Ms. Clarke noted it will be complaint-driven and staff will notify the short-term rental sites of the licensing and code changes.

COMMISSIONER GRAY inquired what will qualify for the primary residence. He also noted he feels the 25% requirement may need to be modified on the multi-family. He also noted it is important to have an alternative contact person in case of complaints or emergencies. He also noted that in the future taxing should be considered.

COMMISSIONER GATTO noted she is a fan of short-term rental and uses it all the time when she travels. She also noted in the future she feels taxing is a good idea. She noted that 90% of the association's bylaws will not allow more than 40-60% renter/owner occupied for insurance purposes.

COMMISSIONER MANI noted the approval by the Condo/Townhouse Associations would be necessary for any rental situation.

CHAIRMAN SHAW noted he agrees with the distance requirement. He inquired about clarification on the two definitions of short-term Rental and Bed and Breakfast. Ms. Clarke explained the Bed and Breakfast is the primary operation and can only be permitted in the B-3. The short-term rental is an accessory use to the primary dwelling unit and is rented for less than 30 days at a time and there will be no food service. Licensing will verify the primary residency requirement. She also noted this will be a test run and the license will be renewed yearly on a first come first serve basis.

CHAIRMAN SHAW noted in the future Crime Free Housing ordinance should be amended to include this.

CHAIRMAN SHAW asked for public comment. There was none.

A Motion was made by COMMISSIONER AUGUSTYNIAK, seconded by COMMISSIONER GRAY, to close the Public Hearing for Short Term Rental- Text Amendments. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved.

CHAIRMAN SHAW asked for a Motion.

A Motion was made by COMMISSIONER GRAY, seconded by COMMISSIONER AUGUSTYNIAK 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 staff report dated 03/07/2019. The proposed Text Amendments would amend the definition for "short-term rental" in Section II (Definitions) and amend portions of Section V.B. Schedule I to allow "short-term rental" as an accessory use to Residential dwelling units in the residentially zoned districts subject to certain conditions listed in a new footnote "p" and "q". The proposed Text Amendment would further clarify Section V.B. Schedule I by limiting the distance of short-term rentals in single-family detached homes and creating a percentage of the number of short-term rentals permitted in a multi-family building.

AYES: STANTON, ENGEL, MANI, GATTO, GRAY, AITCHISON, AUGUSTYNIAK, VICK AND CHAIRMAN SHAW

NAYS: NONE

CHAIRMAN SHAW declared the Motion unanimously approved.

The will be presented to the Village Board on March 19, 2019

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE MARCH 7, 2019 REGULAR MEETING

**Item #2 WORKSHOP: SECONDARY FRONT YARD / CORNER FENCE HEIGHT
– TEXT AMENDMENT**

Consider a proposed text amendment to the Tinley Park Zoning Ordinance. Section II.H (Permitted Encroachments in Required Yards) of the Zoning Ordinance related to regulations for the height of fences located in a secondary front yard. The purpose of this amendment is to align the height requirements for pools and all fences permitted in the Village. The text amendment would increase the maximum height of a fence permitted in a secondary front yard through administrative approval by one foot (1') in height from four feet (4') to five feet (5'). The Petitioner is the Village of Tinley Park.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman
Tim Stanton
Angela Gatto
Lucas Engel
Garrett Gray
Eduardo Mani
Chuck Augustyniak
MaryAnn Aitchison
Stephen Vick

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Planning Manager
Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

Guests: None

Dan Ritter, Senior Planner gave a presentation as noted in the Staff Report. Staff has proposed a draft Text Amendment to the Fence Regulations. The amendment would permit a fence located in a secondary front yard approved through an administrative variation, to be permitted to be up to five feet (5') in height. The change would increase the maximum height by one foot (1'), up from the currently permitted maximum of four feet (4').

The changes have been proposed by staff due to a discrepancy between the pool fence requirements which require a minimum five foot (5') high fence and the existing secondary front yard fence requirements. The changes were initiated by staff due to feedback from residents.

Staff researched changing the minimum five-foot (5') pool fence height requirement found in the Village's Comprehensive Building Code. This requirement exceeds the four-foot (4') requirement in the International Residential Code (IRC). Similar minimum height of five feet (5') was found to be common requirements in nearby communities. The additional fence height is additional security to prevent young children from easily entering a yard that has a pool and presents a danger of drowning.

Mr. Ritter displayed photos of fences and previously approved Variations presented to the Zoning Board of Appeals. Additional concerns for variations requesting five-foot (5') fence heights included increased fence height for animals and safety. The proposed amendment would permit some additional flexibility on concerns without eroding the intent of the code to create safe and visually appealing neighborhoods. The open style design fence will remain in effect mainly for visibility.

CHAIRMAN SHAW inquired if this will still require administrative approval. Mr. Ritter replied yes as long as it meets certain conditions related to safety. If staff has concerns, staff can still require it to go through the variation process.

CHAIRMAN SHAW asked for comments or concerns from the Commissioners.

COMMISSIONER MANI noted he would like to see the open design fence spacing being less than five inches (5"). This could be a hazard for children. Mr. Ritter replied that the IRC has spacing requirements. This amendment is only for the five-foot (5') height.

COMMISSIONER STANTON noted if there is a five-foot (5') fence around the yard it would not be necessary to have an additional fence around the pool.

The Zoning Board of Appeals will review this on March 14, 2019. The Public Hearing will be March 21, 2019.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE MARCH 7, 2019 REGULAR MEETING

Item #3 DISCUSSION/REVIEW: ANNUAL ZONING MAP APPROVAL

Staff has worked with the Village's GIS Consultant, MGP, Inc., to review the Village's Zoning Map and identify all updates and corrections through December 31, 2018. Per the Illinois Municipal Code, municipalities must adopt an Official Zoning Map by March 31st of each year. No properties are being rezoned as part of the adoption of the official zoning map, it is only updating the previous year's changes. At that time the Plan Commission must provide a recommendation to the Village Board as to whether or not to approve the official zoning map as proposed by Staff.

Present were the following:

Plan Commissioners: Ken Shaw, Chairman
Tim Stanton
Angela Gatto
Lucas Engel
Garrett Gray
Eduardo Mani
Chuck Augustyniak
MaryAnn Aitchison
Stephen Vick

Absent Plan Commissioner(s): None

Village Officials and Staff: Kimberly Clarke, Planning Manager
Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

Guests: None

Dan Ritter, Senior Planner gave a presentation as noted in the Staff Report. Per the Illinois Municipal Code, municipalities must adopt an Official Zoning Map by March 31st of each year. Staff has worked with the Village's GIS Consultant, MGP, Inc. to review the Village's Zoning Map and identify all updates and corrections through December 31, 2018.

The Illinois Municipal Code (65 ILCS 5/11-13-19) requires municipal authorities to annually publish an Official Zoning Map by March 31st each year.

*(65 ILCS 5/11-13-19) (from Ch. 24, par. 11-13-19) Sec. 11-13-19. Except as otherwise provided in this section, the corporate authorities shall cause to be published no later than March 31 of each year a map clearly showing the existing zoning uses, divisions, restrictions, regulations and classifications of such municipality for the preceding calendar year.
The map published by the corporate authorities shall be the official zoning map.*

Throughout the year the Village's GIS Consultant maintains the online map and keeps it current; however an official map must still be approved each year. Staff has reviewed the current Zoning Map, made corrections based

on map amendments through December 31, 2018, and provided a proposed draft of the Official Zoning Map for the Plan Commission's review.

Staff has identified one correction to the Official Zoning Map for 2018, including:

- The property at 6820 Centennial Drive was left out of the Brementowne Mall PUD and was previously shown as only B-2 zoning. This has been corrected to show the lot in the surrounding B-2 PD zoning. This error was noted in the February 21, 2019 staff report for a Substantial Deviation requested by CTF Illinois.

There were no annexations or rezoning approval in 2018. The Village's GIS Consultant, MGP, Inc., has provided an updated map that reflects the correction noted by Staff. The updated map has been included in the Plan Commission packet in draft form.

CHAIRMAN SHAW asked for a motion:

A Motion was made by COMMISSIONER GATTO, seconded by COMMISSIONER AUGUSTYNIAK to recommend that the Village Board approve the official Zoning Map of 2018 as drafted and presented to the Plan Commission at this meeting. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion unanimously approved.

The will be presented to the Village Board on March 19, 2019.

GOOD OF THE ORDER:

1. On March 13, 2019 there is a Ground Breaking Event for the North Street improvements. The final plans for the Plaza will be presented to the Plan Commission in the future.
2. Staff was contacted by the developer to schedule a pre-construction meeting for the Boulevard at Central Station project. The developer is working on finalizing their construction drawings to submit for a building permit.

COMMENTS FROM THE COMMISSION

None at this time.

PUBLIC COMMENT:

None at this time.

ADJOURNMENT:

There being no further business, a Motion was made by PLAN COMMISSIONER GRAY, seconded by PLAN COMMISSIONER AUGUSTYNIAK to adjourn the Regular Meeting of the Plan Commission of March 7, 2019 at 8:15 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.

Location

Village-wide

Approval Sought

Text Amendments to
Section III.J. of the Zoning
Ordinance

Project Planner

Daniel Ritter, AICP
Senior Planner

PLAN COMMISSION STAFF REPORT

March 21, 2019

Public Hearing

Text Amendments: Corner Fence Height Regulations



EXECUTIVE SUMMARY

Consider recommending that the Village Board approve a Text Amendment to Section III.J. (Permitted Encroachments in Required Yards) of the Zoning Ordinance related to the permitted height for secondary front yard fences that encroach into the required front yard setback.

Staff has proposed a draft Text Amendment to the Fence Regulations. The amendment would permit a fence located in a secondary front yard approved through an administrative variation, to be permitted to be up to five feet (5') in height. The change would increase the maximum height by one foot (1'), up from the currently permitted maximum of four feet (4').

The changes have been proposed by staff due to a discrepancy between the pool fence requirements which require a minimum five foot (5') high fence and the existing secondary front yard fence requirements. The changes were initiated by staff due to feedback from residents, as well as the approval of two variances last year (16421 Ridgeland Avenue and 17031 Woodstock Drive) with a justification based upon having or soon having a pool. The change can also help control any animals from entering or leaving yards leaving the yard.

Updates from the 3/7/2019 Plan Commission Workshop Staff Report are indicated in red.

BACKGROUND

Staff worked extensively on drafting comprehensive text amendments for fence regulations in 2017. The amendments included review and feedback from both the Zoning Board of Appeals and Plan Commission that eventually lead to final Village Board approval in January 2018. The amendments were proposed in order to reduce the number of variance requests for fences on residential properties and to clarify the requirements for both residents and staff. The primary issue addressed was the location of fences on single-family residential corner lots and on older lots that do not meet the current setback requirements. Additionally, the amendments included clarified requirements for administrative review for fences proposed within a secondary front yard on a corner lot (commonly referred to as the “corner side yard”). Such fences must meet certain requirements in order to be approved administratively; otherwise, the fences must be approved through a variance process. One of these requirements included a maximum height of four feet (4'). The limited height was included to help decrease the dominating visual appearance that fences in the secondary front yard can have in a neighborhood.

The adopted fence text amendments were used throughout 2018 and like many code changes, it is difficult to anticipate all potential effects until the code is applied. Throughout 2018, staff noticed a recurring concern from residents in regards to existing or future pools on corner lots. Residents with pools cannot place a fence into their secondary front yard, which is limited to four feet, without a variance due to the pool fence minimum height requirement of five feet (5') in the building code. The alternative option would be to install fencing around the pool and have a latching or locking ladder in addition to the fencing around the lot. This option was not popular due to the added costs and visual appearance of a fence attached to the pool. Two (2) secondary front yard fence variations were approved in 2018 (16421 Ridgeland Avenue and 17031 Woodstock Drive) that had a hardship primarily based upon the need for a five foot (5') high fence due to an existing or proposed pool. Additional concerns for variations requesting five-foot (5') fence heights included increased fence height for animals. The proposed amendment would permit some additional flexibility on these concerns without eroding the intent of the code to create safe and visually appealing neighborhoods.



Left: Four-foot (4') high open design wood fence.



Right: Five-foot (5') high open design PVC fence.

Staff initially researched changing the minimum five-foot (5') pool fence height requirement found in the Village's Comprehensive Building Code. This requirement exceeds the four-foot (4') requirement in the International Residential Code (IRC). However, a similar minimum height of five feet (5') was found to be a common requirement in nearby communities (New Lenox, Mokena, Orland Park, Frankfort, Lemont, etc.) The additional fence height prevents young children from easily entering a yard that has a pool and presents a danger of drowning. Based upon the history of this pool fence code requirement being applied in the Village and its similar application in many other nearby communities, staff believes it is best to leave the pool fence regulations as they are and instead change the secondary front yard fencing requirements as proposed above. **Spacing of the posts of any fence surrounding a yard with a pool in it will continue to remain five inches (5") or less as required by the IRC. This is reviewed by building department staff review of any fence or pool permit.**



Above: 17031 Woodstock Drive lot previously approved for five-foot (5') corner fence height variation

ZONING BOARD OF APPEALS REVIEW

The Zoning Board of Appeals conducted a workshop to review the proposed text amendment on March 14, 2019. There were no concerns about the proposed amendment and unanimously recommend their approval of the drafted text amendment at the Plan Commission's Public Hearing.

RECOMMENDED MOTION

"...make a motion to recommend that the Village Board approve Text Amendments to Section III.J. (Permitted Encroachments in Required Yards) of the Village of Tinley Park Zoning Ordinance as indicated in Staff's most recent Staff Report and drafted in the attachments dated 3/21/2019. The proposed Text Amendments raise the allowed maximum height of a fence in the secondary front yard on a corner lot approved administratively. The maximum fence height would be raised by one foot (1') from the currently height of four feet (4') to a new maximum height of five feet (5')."

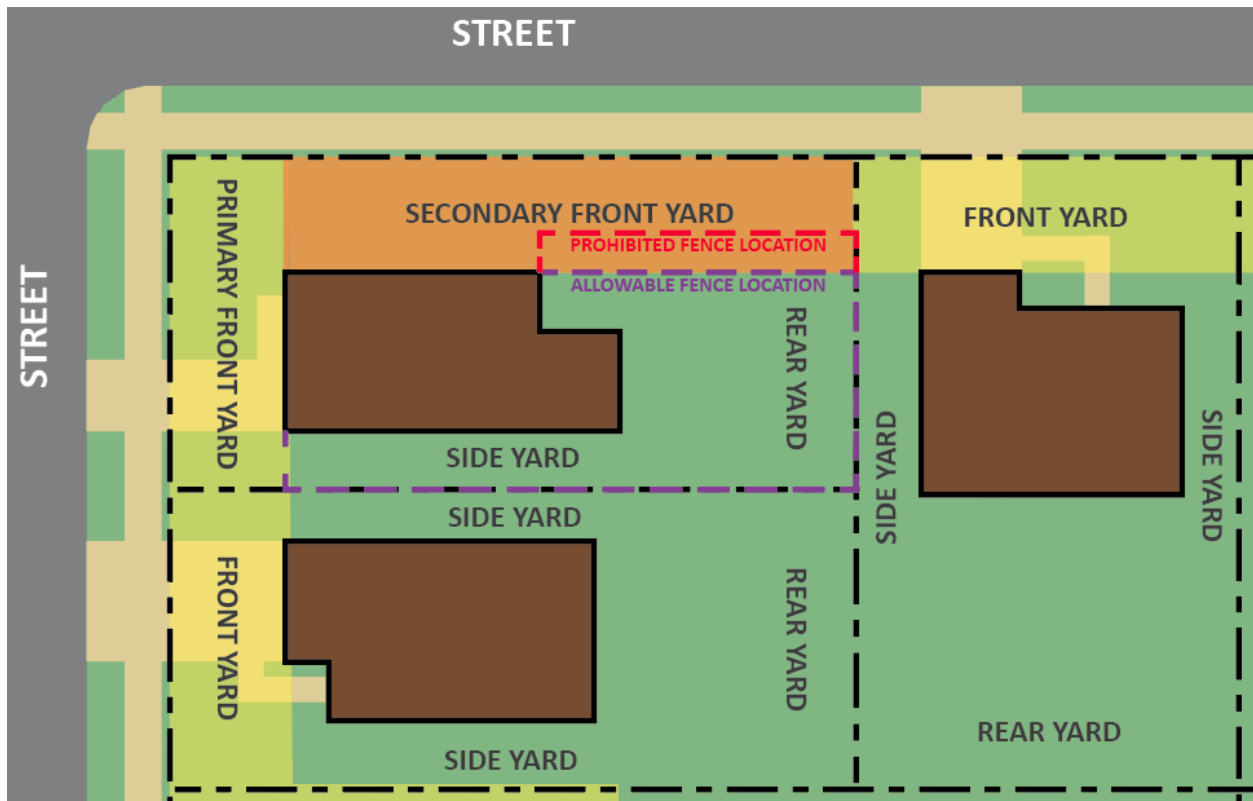
VOTP Zoning Ordinance – Existing Secondary Front Yard Fence Regulations

Existing Section III.J.3.a of the Zoning Ordinance:

3. Administrative Approvals: The Zoning Administrator or their designee may grant administrative approval for a fence in the following circumstances:

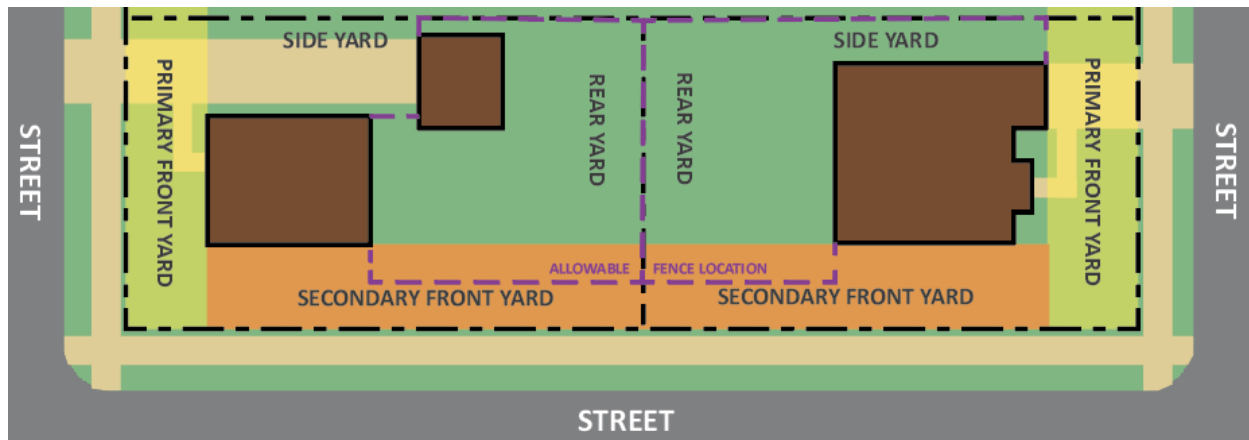
a. Secondary Front Yard

- (1) A fence within a secondary front yard may be permitted to encroach up to ten feet (10') into the required front yard setback, provided that:
 - (i) The property is within a residential zoning district (R-1, R-2, R-3, R-4, R-5, R-6, & R-7);
 - (ii) The fence meets all material requirements within Section III.J.2.b.; however, the fence cannot be chain-link; and
 - (iii) 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 panel when measured from grade;
 - (iv) The fence must be open style and have a minimum of fifty percent (50%) open space between the rails and posts;
 - (v) The fence does not obstruct sight lines that may cause a negative impact to safety of pedestrians or vehicles; and
 - (vi) The fence cannot abut a neighboring front/primary front yard (see graphics).



Graphic: Prohibited Fence Location in Secondary Front Yard

VOTP Zoning Ordinance – Existing Secondary Front Yard Fence Regulations



Graphic: Allowable Fence Location in Secondary Front Yard

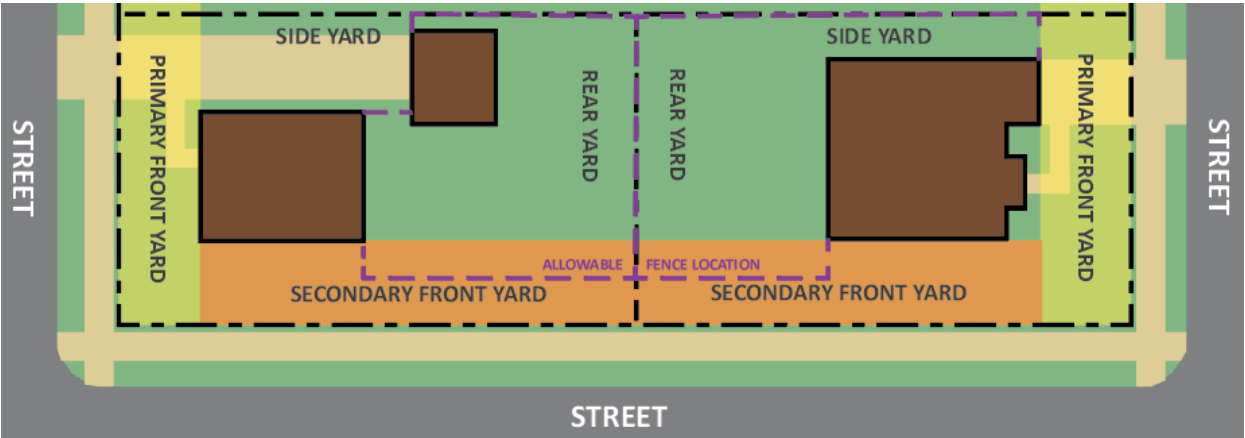
Consider the Following Amendments for Section III.J.3.a of the Zoning Ordinance:

a. Secondary Front Yard

-
- The diagram illustrates a residential lot with various yard types and fence locations. The lot is bounded by a STREET on the top and left. The lot is divided into several areas:
- SECONDARY FRONT YARD** (Orange area at the top left).
 - FRONT YARD** (Yellow area at the top right).
 - PRIMARY FRONT YARD** (Yellow area on the left side).
 - REAR YARD** (Green area at the bottom right).
 - SIDE YARD** (Green area on the left and right sides).
- Fence locations are indicated by dashed lines:
- PROHIBITED FENCE LOCATION** (Red dashed line).
 - ALLOWABLE FENCE LOCATION** (Purple dashed line).

Page 1 of 2

VOTP Zoning Ordinance – Proposed Amendment to Secondary Front Yard Fence Height
Last Edited 3/6/2019 by DR



Graphic: Allowable Fence Location in Secondary Front Yard

DRAFT