



AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION

May 19, 2022 – 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 May 5, 2022 Regular Meeting

ITEM #1 PUBLIC HEARING – ATLAS PUTTY NEW WAREHOUSE, 8301 185TH STREET – SPECIAL USE FOR PUD DEVIATION, SITE PLAN/ARCHITECTURE APPROVAL, AND FINAL PLAT OF SUBDIVISION

Consider recommending that the Village Board grant Steve Vernon of Vernon Development Inc., (Petitioner/Developer) on behalf of Atlas Putty Products Co. (Owner), a Special Use for a Substantial Deviation from the Northstar Business Center PUD at property located at 8301 185th Street in the M-1 PD (General Manufacturing, Northstar Business Center PUD). Site Plan/Architectural Approval and Final Plat of Subdivision Approval is also request as part of the development. The development proposes demolition of an existing building at 8231-33 185th Street and reconfiguration of the existing lots to allow for construction of a new 87,267 sq. ft. warehouse building.

ITEM #2 PUBLIC HEARING – 9260 PLEASANT AVENUE, SPASS – RESIDENTIAL MASONRY VARIATION

Consider recommending that the Village Board grant Paul Spass (Property Owner) a Masonry Variation from Section V.C.4.B of the Zoning Ordinance to permit a new residential home to be constructed without required first-floor face brick on the property at 9260 Pleasant Avenue in the R-2 (Single-Family Residential) zoning district.

ITEM #3 PUBLIC HEARING – BUILDING CODE TO ZONING CODE TRANSFER (DRIVEWAYS, ACCESSORY STRUCTURES, AND MISC.) - TEXT AMENDMENT

Continued from May 5, 2022 Plan Commission Meeting

Consider recommending that the Village Board amend certain sections of the Zoning Ordinance to carry over portions of the current building code into the zoning ordinance where they are better served. Regulations include driveway location, driveway width, storage shed size, accessory structure locations, and other miscellaneous regulations.

ITEM #4 WORKSHOP – EXTENDED STAY HOTELS - TEXT AMENDMENT

Consider a proposed text amendment to the Tinley Park Zoning Ordinance amending Section II (Rules and Definitions), Section V (District Regulations), and Section VIII (Off-Street Parking and Loading) pertaining to defining and regulating “Extended Stay Hotels” within certain zoning districts.

Receive Comments from the Public

Good of the Order

Adjourn Meeting



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

May 5, 2022

The meeting of the Plan Commission, Village of Tinley Park, Illinois, was held in the Council Chambers located in the Village Hall of Tinley Park, 16250 Oak Park Avenue, Tinley Park, IL on May 5, 2022.

CALL TO ORDER – CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for May 5, 2022 at 7:00 p.m.

Lori Kosmatka called the roll.

Present and responding to roll call were the following:

Chairman Gray
Angela Gatto
James Gaskill
Andrae Marak
Ken Shaw
Eduardo Mani
Kurt Truxal

Absent Plan Commissioners:

None

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners:

Eric Schmidt, 7501 Hanover Drive
Jim Stulga, 7240 174th Place
Steven Novak, Anytime Fitness
James Truesdell, DR Horton
Steve Vernon, Atlas Putty
Dave Payton, Atlas Putty

Members of the Public:

None

COMMUNICATIONS- Daniel Ritter, Planning Manager, noted that CHAIRMAN GRAY will be recusing himself from the fifth item due to him having done work for Steve Vernon and Atlas Putty in the past. CHAIRMAN SHAW will be stepping in as ACTING CHAIR for the fifth item.

APPROVAL OF MINUTES - Minutes of the April 21, 2022 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER GASKILL. The motion was seconded by COMMISSIONER TRUXAL to approve the April 21, 2022 minutes. COMMISSIONER SHAW noted a correction needed on Page 3 which erroneously stated CHAIRMAN GRAY had declared the motion carried, when it should in fact read ACTING CHAIRMAN SHAW. CHAIRMAN GRAY acknowledged the correction was needed. He asked for a voice vote to approve the minutes with the correction needed; all were in favor. He declared the motion carried.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING

ITEM #1: PUBLIC HEARING – 7501 HANOVER DRIVE, SCHMIDT – CORNER FENCE VARIATION

Consider recommending that the Village Board grant Eric Schmidt (property owner) a Variation from Section III.J. of the Zoning Code (Fence Regulations) at the property located at 7501 Hanover Drive in the R-3 Single Family Residential zoning district. This Variation would permit the Petitioner to install a six-foot (6') high closed privacy style fence to encroach ten feet (10') into the required secondary front yard where a privacy fence is not permitted.

Present Plan Commissioners:

Chairman Gray
James Gaskill
Angela Gatto
Andrae Marak
Ken Shaw
Eduardo Mani
Kurt Truxal

Absent Plan Commissioners:

None

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners:

Eric Schmidt, 7501 Hanover Drive

Members of the Public:

None

CHAIRMAN GRAY introduced Item #1 and asked for a motion to open the public hearing. Motion made by COMMISSIONER GASKILL seconded by COMMISSIONER GATTO. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY noted he received certification that the public hearing notice was published in a local newspaper. Anyone wishing to speak on this matter will be sworn in to speak but after staff's presentation. He asked staff to proceed with the presentation.

Lori Kosmatka, Associate Planner, presented the report. She summarized the history and existing conditions of the site, provided the zoning regulations, the proposed fence variation, background considerations for corner fence variations, and code compliant options. She noted that the Petitioner is present.

CHAIRMAN GRAY asked the Petitioner to approach the lectern.

Eric Schmidt, Petitioner, was sworn in. He explained that his neighbor's fence is a white 6-foot vinyl privacy fence that is only 14 years old, and that the useful life of a vinyl privacy fence is approximately 30 years. By removing his fence and moving it in on the setback, he felt it will create a massive hardship and a tense situation with my neighbor as the fence along the back is ours, and that would be replaced too. Thus, it would create a ten-foot gap in their fence that under the current zoning regulations, they would not be able to repair a fix. It would force them to have to replace their entire fence to close off their yard. That neighbor just recently put a hot tub in their yard. He said because that gap is bigger than eight feet, they will not be able to repair it. He said, however, being allowed to put the fence where

the fence exists now creates no gap, it's congruent and it's in keeping with the neighborhood in general. Along Olcott, there are ten corner lots, currently six have six-foot vinyl privacy fences, and of that six, one has one that's at the required setback per the zoning, but there's no fence that abuts that. The people behind left their back yard open. As far as closing it off, we have three children at home, which is the reason for privacy. Sometimes it's easier to have them in the back yard do their thing. Olcott does get a lot of traffic. It's the only major artery between Harlem and 80th Avenue that runs from 171st to 167th. The Tinley Park Police Department has conducted at least two traffic studies over the last six years on the street. It's a main artery for the kids walking to the elementary school, and we are right next to the retention pond where there's flag football and lacrosse practice, general playing, and golfing. The biggest concern for him was the neighbors to the rear because that creates a massive hardship for them. That fence is nowhere near needing to be replaced. It was installed in 2008.

CHAIRMAN GRAY thanked the Petitioner and asked the Commissioners for some of their comments.

COMMISSIONER GASKILL had no questions.

COMMISSIONER TRUXAL asked if the rear neighbors have an existing six-foot-high fence.

The Petitioner responded yes.

COMMISSIONER TRUXAL noted the fence between the Petitioner and his rear neighbor is the Petitioner's fence, so when he will replace fence if we change the setback, then there would be a ten-foot gap.

The Petitioner responded yes, at the back on the north.

COMMISSIONER TRUXAL asked if the Petitioner's fence would be the same material and color as the neighbor's existing fence.

The Petitioner responded it would be the same material, different colors. Theirs is white, ours is a stone slate color just in keeping with the color of our home. It's a little bit darker than khaki by about one shade.

Dan Ritter, Planning Manager, noted that in talking with our Director, they can replace the ten-foot gap with the six-foot solid fence. We've offered that solution as a kind of a temporary solution until the neighbor would move their fence when they go to replace it. We would essentially allow them to move that portion of the fence to their neighbor's yard.

COMMISSIONER TRUXAL noted that the rear section of the fence would match up with the neighbor's existing side fence.

Dan Ritter, Planning Manager, noted the Village allows eight-foot sections to get replaced. This is a ten-foot one so our Director and Village Manager would approve of it as a temporary solution so that way it still matches the neighbor's fence so that can be replaced with the permit.

CHAIRMAN GRAY asked who would pay for the ten-foot gap fence.

Dan Ritter, Planning Manager, responded that it would be up to them, whoever wanted to pay for it and whatever side they wanted to put it on. There's an existing fence out there now which they can keep, or if they were going to put a new one in there, to match what they were doing.

CHAIRMAN GRAY noted they could leave what's existing there and when they take down the fence, they would leave the ten-foot section of existing and then replace with the slate fence.

Dan Ritter, Planning Manager, noted they could alternatively do a new one that matches either theirs or their neighbors. Whatever they want to do for that ten-foot, we could approve that temporarily, because when the neighbor goes to replace theirs then that will go away.

COMMISSIONER TRUXAL asked if the rear neighbor replaces their fence, would they have to conform with the setbacks and pull theirs back, too.

Dan Ritter, Planning Manager, responded yes. When you move codes to become stricter, you can get some of these awkward situations. It could be fences, home setbacks. If you make it stricter at any point, you have things that are nonconforming out there and next to each other that can be different with ones meeting it and ones not. The goal is eventually over time you would be conforming over the years. It is tough with home setbacks because homes generally don't get demolished and replaced every ten or fifteen years. Those can go hundreds of years where fences would be a quicker turnaround.

CHAIRMAN GRAY asked the Petitioner if he's just requesting the variation so he can meet the fence line with his existing rear neighbor.

The Petitioner responded that is a main part of it. He asked to address what Mr. Ritter said. Arbitrarily granting a ten-foot extension is in direct violation of the zoning code. Where you can replace eight-foot sections, you just said we could grant a ten-foot permit, but that would require a variance under the same guidelines as this. He asked if this was correct.

Dan Ritter, Planning Manager, responded it would allow you to move the fence from your side.

The Petitioner asked if it would still require a variance for that neighbor.

Dan Ritter, Planning Manager, responded no. They are basically allowing it to shift if it would be one foot over, but the fence is there.

The Petitioner commented that seemed arbitrary. The code says 8-foot sections can be repaired, but Mr. Ritter just stated they'll allow a 10 foot one.

Dan Ritter, Planning Manager, noted that it would be temporary.

The Petitioner commented that would be another 14 years.

Dan Ritter, Planning Manager, clarified at that point it would go away. It's not a variance that would run with the land.

The Petitioner commented that he looked up a couple of the past ones. Last summer, there were variances granted on Carlsbad and Arcadia, near Ridgeland Avenue south of 167th. In one of those cases, the staff recommended a twelve-foot variance instead of a ten-foot variance because one of the houses already had a 12 foot variance. The spirit of the regulation and the code requirement was aesthetics. If the houses are setback far enough there's not a visibility issue, there's no abutting driveways. Being a corner lot, we're set back far enough that you can make a turn. We're not coming to the front of the house. In keeping with the spirit of the code change, which at that point becomes aesthetics, the Commission has previously granted twelve-foot variations to match a neighbor's nonconforming fence when they only requested 10 so it abuts and remains congruent with the existing neighbor's fence. That occurred at 6342 Carlsbad.

Dan Ritter, Planning Manager, clarified that we did not recommend that.

The Petitioner commented that he has placed thousands of dollars into this property he just purchased in September to keep it looking nice. Corner houses set the tone for the neighborhood. He does not want to put a hardship on his neighbor. The lines remain congruent. It's not out of place in the neighborhood. There are multiple homes in the area that fences went in in 2014-2017 on the corner of Olcott and 171st and 174th that are at the ten-foot line.

COMMISSIONER GASKILL noted that now the ten-foot section can be repaired, and we're talking about a variance that you want to move the fence.

The Petitioner commented it is about aesthetics at that point which is the spirit of the code change. Now you're going to have a fence that comes back at 25 feet, jogs over 10 feet and then goes back to the front of the neighbor's property. This team has previously granted variances that are beyond the ten foot to keep congruency between the fences. The spirit of the code change was aesthetics. It looks bad if everybody has mismatched fences and things are out of whack

and out of line. Generally, aesthetics are subjective but we can agree what looks appropriate and what doesn't. A ten-foot lag looks out of place.

COMMISSIONER GASKILL asked why he didn't just come in for that actual reason.

The Petitioner noted that was the primary reason and was in his written response.

COMMISSIONER TRUXAL asked to see page 2 on the slides to see the images of the existing fences. He noted it's to replace the existing white five-foot high fence. You can see down the fence line to the rear where it goes up to six feet. He asked if this is for a ten-foot variance. There are two panels coming out. Taking those away would bring you to basically the window well to the corner of the home.

The Petitioner noted there's about six inches as it is setback 25.42 feet from the side of the house to the approximate 1 foot from the sidewalk.

Dan Ritter, Planning Manager, clarified the 12-foot request was the other way. They had requested 12 feet variance, and what was recommended from the Plan Commission and approved was 10 feet. They requested 12 feet and got approval for 10.

COMMISSIONER MARAK asked if we go with the current code, would the hookup be an angle. He has a hard time visualizing what the hookup to the neighbor's fence would be. He asked if it would end up connecting the two by dissecting it at an angle.

Dan Ritter, Planning Manager, clarified it would only be a couple inches. They could drop it down and bring it over. It wouldn't be a hard angle, but they could it a little on an angle or they could flatten it and do a little connection piece between. It would look like their fences bumped out ten feet or at least until they replace it.

COMMISSIONER GATTO had no questions.

COMMISSIONER MANI noted he understood the concerns regarding aesthetics and expanding the playground area for the children. He likes it and is good for him.

COMMISSIONER SHAW had no questions.

CHAIRMAN GRAY appreciated the Petitioner's testimony. He noted Staff had a concern about setting a precedent. In 14 years or whenever the neighbor has to replace their fence, they may point to your fence and say it doesn't match up and you get this domino effect of neighbors getting variations down the line. The code did change after 2017. He understood the Petitioner's concerns and feels there is a good argument for this. He asked if the Petitioner has talked to his neighbor possibly about it. He asked who would pay for it.

The Petitioner said they have spoken and haven't decided who would pay. The neighbor was very displeased on it being a gap and affecting the general look. A lot of this is aesthetics for the community. Fairfield Village is kind of tight. We moved in September but just from the other side of 171st on Ottawa. A lot of our friends are there. The aesthetics are important to everybody. When the legal notices came out, people came up and asked what they were supposed to do. A couple people called and wanted everything to look clean.

CHAIRMAN GRAY noted he understood. In terms of unique physical properties, there's not a uniqueness, but he can't imagine a neighbor would put up money to erect a ten-foot section when it's not his project to begin with. There has to be another conversation or something. This puts a twist into it. He had no other comments. He asked if there were any other comments from the Commissioners. Hearing none, he offered the Petitioner to take a seat.

The Petitioner thanked everyone for their time.

CHAIRMAN GRAY entertained a motion to close the public hearing.

Dan Ritter, Planning Manager, noted that if the Commissioners want to discuss at all to see where you're at because for the most part when Staff drafted the standards, we didn't have anything that would meet those standards. It's fairly

negative because we don't have something that is unique related to the property. If you're thinking that you're going to recommend approval, then we need direction from a response from the Commission on each of those standards. That's ultimately what you guys are voting and then sending to the Village Board. We want that go to along with what you recommend. If someone feels it does meet the standards, then vocalize that a little bit.

CHAIRMAN GRAY asked that if there were any Commissioners that would vote yes for the variation.

COMMISSIONER GATTO responded she would, that it would conform with the neighbors, and is a vinyl fence which will last years. Most people are going to come back in 15 years and ask for a variance to meet up to the one that he puts in if he does have to redo it. She agrees with it. There are variations for everything. You want it to conform and not put a neighbor out and cause any tiff between neighbors. It just causes problems. She didn't see there being an issue with this at all.

COMMISSIONER MANI concurred with COMMISSIONER GATTO. It goes with the whole neighborhood. If it was a new development that everyone was doing fences at the setback and nobody was any different, and all were the same cookie cutter, then it may look out of place. But since this neighborhood has a mixture of fences up to the zero setback to ten or twelve, to him it falls in and makes it a neighborhood. Having the Petitioner meet the fence aesthetically and not having to jog, is great, plus he wants a larger area for his children. He would vote yes.

CHAIRMAN GRAY reminded that the ordinance that went in 2018. The fence is six-foot high so it would match it, as privacy style for his three little children. It would encroach on the ten feet, but it would be matching the existing. He wanted to make sure that is clear from what the new code requires.

COMMISSIONER SHAW appreciated the Petitioner's concerns and interests, as well as the Commissioner's comments. He agrees with Staff in that he doesn't see a compelling argument here in line with the code. When the new code was adopted, there was quite a bit of discussion, public hearing. Many of these types of situations were considered. While he sympathizes, he doesn't find it compelling under the code and would not support it.

COMMISSIONER GASKILL agrees and has no support for this.

COMMISSIONER TRUXAL feels it would be an improvement to the existing fence and it would match the neighbor's fence line. It would not look as good if you had that ten-foot section stick out. He would be in approval for the request.

COMMISSIONER MARAK is with COMMISSIONER SHAW. If one could run an angle fence from the one to the other one, he doesn't think that would be aesthetically unpleasing. Nobody mentioned about it having a larger yard. He finds that compelling as a property owner having a bigger back yard that you could use in that space. He does not support it.

CHAIRMAN GRAY noted he agrees with COMMISSIONERS SHAW, GASKILL, & MARAK. The code isn't always forgiven for what was done in the past, but is trying to set new rules for a precedent. He agrees with the staff report. It will cause a domino effect even 14 years from now if your neighbor wants to swap out their fence. If you got a variance, then he's going to get a variance. When we came together for these fence regulations and looking at whether there's a unique physical property. Just because it's a corner lot doesn't fulfill that. The Petitioner makes a compelling case on having a hardship with the neighbor on if something changes with that gap, but there's not a concrete solution on how that'd be resolved in his opinion. He would say no to it as well. This is informal as we haven't voted on it.

COMMISSIONER SHAW noted each situation has to be considered on its own merits. While it's important to be neighborly and be considerate of the impact on the neighbor, any property owner would be within the rights to remove their fence on their own. In that case, that would leave the neighbor's entire rear yard unfenced. While it might be considered unneighborly, it is an owner's prerogative to make that decision for their own property. It's positive and good to be considerate of the impact on your neighbor. In the end it's the neighbor's responsibility for their own yard.

COMMISSIONER MANI asked staff for clarification. If people want to replace a fence that is nonconforming, can you only do an eight-foot section?

Dan Ritter, Planning Manager, responded yes, you can do maintenance and replace up to eight feet. In this one we're saying this is a unique situation.

COMMISSIONER MANI felt that if people want to update their fences, it will start to look patchy, if one section is repaired one year, and another replaced another year.

Dan Ritter, Planning Manager, responded the goal would be they have to replace it if it needs complete replacement and has deteriorated. The maximum amount allowed is there just to allow some small maintenance to the posts. A fence is required to be a consistent design and look.

COMMISSIONER MANI noted when we updated the code in 2018, he was one of the persons against it. Having property, I want to enjoy my property, I want to add a fence to contain my back yard. If I have dogs or cats, I'll know they are within the confines. It's your property. The Petitioner is keeping with the theme of the neighborhood and within the characteristics. If everyone wanted to replace it with the current code, then there would be a lot of homes that will have no fences because they have to comply, and it doesn't work anymore. In his opinion, this code section is detrimental, personally and as an aesthetic of neighborhoods and such.

Dan Ritter, Planning Manager, responded that if a commissioner believed a request didn't meet the standards but thought it was an acceptable proposal, the best thing would be to vocalize what they would like to see changed in the code for everyone in the village. A Commissioner could say the code is not what they like either and maybe here's a recommendation of how you could tweak it that would apply everywhere. If most of the commission liked the idea, then staff could complete some research on making that potential text amendment. We still allow the fence to go where they have a fence now, it's just not privacy. That's where it was decided, if you're going to bump out it's got to be open because with all the situations of corner lots, you could get situations where that fence could be out in someone's front yard. It's difficult because you're balancing a lot of situations. If it's only two homes back-to-back, we may feel those situations are different, then that's the type of feedback we'd like to hear to maybe discuss separate from an actual case, you could give us some guidance if you guys had a recommendation to change fence requirements. We're getting these variations so we see a situation that makes sense why we would want a fence there but it's not meeting the standards. Maybe we do a discussion when we have time about changing the code as it exists today.

COMMISSIONER SHAW stated we do have a code for a reason. There's no code that can be perfect. It's not going to be right sized in each situation. When we revised the code, one of the pieces of research done was the number of variances that had come through and approved for rather common-sense reason. We have a variance process because the code is not perfect. If the code was perfect, then there would be no such thing as a variance. If we have an application that meets hardship standards, then a variance can be granted. When we went through the process, one of the things that was added to it was giving greater administrative approval so that things that fell within what would be deemed reasonable by staff did not have to go for an official variance as it could be an administrative variance. From reading the report, staff has determined that there are a few different avenues to meet the administrative approach if not the code itself. The existing fence could be replaced as is with a spaced five-foot fence. A newer version of what's there could be an administrative approval. It could be pulled back to the line for a six-foot privacy. There's a number of options to meet code. He doesn't see a hardship. He sympathizes the desire to be consistent and aesthetically pleasing, but he can't see it within the confines of the code.

Dan Ritter, Planning Manager, noted that fence codes are difficult. One would think there is a universal code that keeps everyone happy for every town, but if you give more flexibility to have people do fences that can go all the way out to sidewalks, then you start getting visibility concerns. You start having fences that are really prominent in subdivisions that can take away from the overall look. Some towns don't allow any encroachment into those front yards, such as Frankfort. New Lenox allows 20 feet, but it has to be open design, and if not it has to be setback. Joliet lets you do a privacy fence all around the property wherever you want, but then you have someone looking out their picture window and there's a fence out there if you're the second one in. You take all those options and ask where our community is going to fit in. In 2018 it sounds like there was a lot of discussion and different possibilities of what each looked like. He thinks we picked a middle-ground. It is unique to each town. He asked if we should allow privacy fences wherever we want or dial it back and see homes we don't want fences to stand out and be the most prominent visible part. It's difficult to look at all the situations.

COMMISSIONER MANI agreed there can't be one code to make everyone happy. The Petitioner did his research on fences granted and just asked for something similar. Based on the poll it seems this won't pass. He feels the fence code should be relooked at because it's flawed.

CHAIRMAN GRAY asked if the Petitioner had anything to add.

The Petitioner noted the points made were abundantly clear that the code was in place for aesthetic reasons. Routinely variations are granted for open style fences. Radcliffe Place on the other side of 175th, open style fences are allowed to come to the sidewalk. 17501 Humber was approved in the summer. It becomes arbitrary at that point. I asked about an administrative approval without going through this process. I read the code and saw there is a path for an administrative variance. I was told that "we never use that, we talked to our lawyers and that shouldn't even be in there because everything needs to come to the commission"

Dan Ritter, Planning Manager, clarified that it was not an administrative one. That would be them approving that and it ending here. It's for the ZBA cases. What you were quoting was a side yard setback which is related to a principal structure. It doesn't meet state law.

The Petitioner rebutted that it's still in there.

Dan Ritter, Planning Manager, noted it also says if something's not compliant with state law. That would have just said if they said this is approved, it would have been approved tonight, but you still would have had to go through a public hearing.

The Petitioner noted it would have seemed more genuine for the Commission if you don't like privacy fences, then say that because variations are routinely granted. 6342 Arcadia and 6342 Carlsbad was approved, and the underlying reason was the aesthetics and keeping in the form with what was already there. What didn't come up in the staff report is the three houses in a row, so my neighbor to the rear and the neighbor across the street from them. Across the street from the neighbor, it abuts to 171st and down Olcott, their privacy fence is brick. It's more than 10 feet off the property and it has ten feet sections in between each brick column. That fence isn't going anywhere. As far as a hardship, having an issue with your neighbor is a hardship. Telling your neighbor, they need to replace a section to close an area off is a very uncomfortable situation. It is a massive financial hardship for them. Denying the request, you're going against the spirit of the code, it's to keep things looking nice because the Commission routinely approves fence variations.

CHAIRMAN GRAY noted to the Petitioner the report had options to comply by code or meet administrative approval. One of the options would be to bring the fence back in, so you would effectively lessen your backyard. There are other options. He understands the aesthetics. He asked if the Petitioner considered the options.

The Petitioner responded yes. Olcott Avenue is an artery as it is the only way in and out to the elementary school. The buses go down, there's walkers, golfers, and the lacrosse team practices, the flag football practices. He likes to eat dinner with his family in the summer outside. That's why he wants a privacy fence. As far as other options, arborvitaes go up all the time. He has about 12 holes alongside the fence along the house where arborvitaes had been planted multiple times in talking to the neighbors. Part of the utility and drainage easement is that secondary front yard is incredibly wet. When Lori came to take pictures, it was wet. Arborvitaes will not row there. Building a berm would actually change the flow of water in the area, bring water back onto the property and put more water back toward the street. That's not an option. Regarding him not mentioning the size of the yard, it is in the staff report. His lot is 1,100 square feet smaller than what are typically required for corner lots on houses being built. The required lot size for a corner house were part of the discussions when the new fence requirements were put in place. He thinks his is 11,343 square feet, and the required corner lot size for homes going up now in R-3 and R-4 is 12,500. There's still 15 feet to the street. He's not coming forward on the house and is not closing anything off. He's changing landscaping a little bit on the side of the house to put a swing there, so when the boys are playing football, we can sit out there and watch them. He's not looking to close himself off from the neighborhood. He's just looking to close off his backyard and keep things looking nice. It's the most important thing to the zoning board. It was based on aesthetics. To say it's not is disingenuous. Routinely, variations are approved and documented to keep congruency between the fences.

Dan Ritter, Planning Manager, noted aesthetics is part of it. The concern is that the hardship still needs to be something related to the property. Otherwise, if it's whether you have dogs or kids, it starts to become a personal hardship, which everyone understands. That's where making decisions on personal hardships can start to erode the code because it depends on the person's situation. It is a hardship, but it's a personal one.

The Petitioner responded having to force his neighbor's hand is a hardship and that could spill over. It's a personal one for now, but if the neighbor becomes very angry and then the police are involved, then it's a community hardship.

Dan Ritter, Planning Manager, responded personal hardships are people-oriented rather than related to the property. It depends on who is standing up here and what's their personal situation which could change. The zoning code has to by state law not make it personal. It can't be whether a person has kids.

The Petitioner responded noting the addresses 6342 Arcadia, 6342 Carlsbad, 6350 181st Street, 17501 Humber Lane. Those were done in 2020. He appreciated the time and thanked everyone.

CHAIRMAN GRAY noted each case is different. He is unsure what the uniqueness is or not. He noted Lori had shaken her head and asked her if the trees were very wet along the interior of that fence and trees that would be able to shroud or screen aren't able to successfully find root.

Lori Kosmatka, Associate Planner, responded that it was wet recently, and she saw the holes. The ground was soft.

CHAIRMAN GRAY asked the Petitioner when he had tried planting the trees.

The Petitioner responded he never did. The people he purchased the house from did. You can see them on Google Earth as that wasn't updated yet. They were golden. When he spoke to his neighbors before he knew about the arborvitaes, he asked what the holes were. The neighbor said the previous owner put up arborvitaes and then again four years later. They turned golden because it's consistently wet. There's a drainage easement on the back side that kind of runs off onto the secondary yard there too. It's consistently wet.

CHAIRMAN GRAY noted he was curious because that is part of the property. He asked staff how they view it if there's an issue where they can't do a work around with the existing.

Dan Ritter, Planning Manager, responded he doesn't know if there's a solution such as different plantings that would survive there. If you could say nothing could live there, then that is something more related to the property and not a personal circumstance, but you could still have a solid fence on the property that meets the code.

CHAIRMAN GRAY asked the Petitioner if moving the fence line in along the brick line of the house along the yard is not an option.

The Petitioner responded no, that it would look terrible. We're talking almost 90 feet by 10 feet it cuts off almost 1,000 square feet from the backyard now. He's not looking to build there or put a patio in that ten feet or extend the house or building line, but it is usable space. He apologized that he didn't reiterate that. We are 1,110 square feet smaller than what current requirements are in place for corner lots of 12,500 square feet. We're 11,343 square feet. That was definitely a factor when the new fencing requirements went into place.

CHAIRMAN GRAY asked if anyone on the Commission had a change in their informal vote. There was no response.

The Petitioner thanked everyone.

CHAIRMAN GRAY asked if there's no further discussion, then he would like to entertain a motion to close the public hearing. Motion made by COMMISSIONER SHAW, seconded by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote; hearing no opposition, the motion carried. He asked Staff to present the Standards.

Lori Kosmatka, Associate Planner, presented the Standards. She noted the drafted findings are not in support of the variation.

Dan Ritter, Planning Manager, clarified that the first three are state law required standards, and the others are just considerations which the Village has adopted.

CHAIRMAN GRAY requested a motion for the variations.

Motion 1 – Variation for Fence

COMMISSIONER MANI made a motion to recommend that the Village Board grant a 10-foot Variation to the Petitioner, Eric Schmidt, from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a six-foot high privacy fence encroaching 10-feet into the required secondary front yard, where a fence encroachment is not permitted at 7501 Hanover Drive in the R-3 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 5, 2022 Staff Report.”

Motion seconded by COMMISSIONER GATTO. Vote taken by roll call; the vote was 3-4. Ayes were by COMMISSIONERS GATTO, MANI, & TRUXAL. Nays were by COMMISSIONERS GASKILL, MARAK, SHAW, and CHAIRMAN GRAY. CHAIRMAN GRAY declared the motion as not carried. He noted that this item ends here, and asked Staff for further instructions.

Dan Ritter, Planning Manager, noted this will still go to Village Board Tuesday May 17th for First Reading. Since it’s not unanimous it would have to go to two meetings at the Board. He noted the Petitioner is welcome to attend. We can be in contact with you. He noted that with a 3-4 vote that may catch their attention and they may ask if you have anything to add.

CHAIRMAN GRAY wished him luck and thanked him for his time.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING
ITEM #2: PUBLIC HEARING – 7240 174th PLACE, STULGA – CORNER FENCE VARIATION

Consider recommending that the Village Board grant Jim Stulga (property owner) a Variation from Section III.J. of the Zoning Code (Fence Regulations) and Section III.H. (Permitted Encroachments) at the property located at 7240 174th Place in the R-4 Single Family Residential zoning district. This Variance would permit the Petitioner to install a five-foot (5') high open-style fence to encroach up to twenty-five (25') feet into the required secondary front yard (located on the property line around the existing patio). A Variation is also requested for the existing patio to be located in the secondary front yard and closer than 5 feet to a property line where a patio is not permitted.

Present Plan Commissioners:

Chairman Gray
James Gaskill
Angela Gatto
Andrae Marak
Ken Shaw
Eduardo Mani
Kurt Truxal

Absent Plan Commissioners:

None

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners:

Jim Stulga, 7240 174th Place

Members of the Public:

None

CHAIRMAN GRAY introduced Item #2, and asked for a motion to open the public hearing. Motion made by COMMISSIONER GASKILL seconded by COMMISSIONER TRUXAL. CHAIRPERSON GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRPERSON GRAY noted he received certification that the public hearing notice was published in a local newspaper. Anyone wishing to speak on this matter will be sworn in to speak but after staff's presentation. He asked staff to proceed with the presentation.

Lori Kosmatka, Associate Planner, presented the report. She summarized the history and existing conditions of the site, provided the zoning regulations, the proposed fence variation, background considerations for corner fence variations, and code compliant options. She noted that the Petitioner is present.

CHAIRMAN GRAY asked the Petitioner to approach the lectern.

Jim Stulga, Petitioner, was sworn in. He noted Staff clarified what he wanted to do. He has an existing patio. He wants to replace his existing fence, and if he does it by code, he would have to slice his patio with 15' of the patio outside the fence line.

CHAIRMAN GRAY asked the Commissioners for some of their comments.

COMMISSIONER MARAK asked if it was possible to approve the variance for the fence but not for the patio. Are they two separate things?

Dan Ritter, Planning Manager, responded that it is entirely possible. We drafted the motions together because they are obviously connected.

COMMISSIONER MARAK noted that by leaving a patio in, and not having to remove it, you would not run a fence through a patio.

Dan Ritter, Planning Manager, responded that you could have two separate findings for each of the two variation requests.

COMMISSIONER TRUXAL stated that he saw in the notes the Petitioner would have to relocate AC units and some ventilation. He asked the Petitioner to provide more detail.

The Petitioner responded it was at the rear of the house. Financially, it is not possible for him to move the patio. If he did have the funds, he would have to move the air conditioner, a tankless water heater exhaust, and a dryer vent. There are a lot of obstructions that would have to be moved to the west side of the house.

COMMISSIONER TRUXAL acknowledged that he sees that in the picture.

Dan Ritter, Planning Manager, noted that if the Commission denies the patio variation, he does not have to remove the patio. It gets to remain until he wants to replace it.

COMMISSIONER GASKILL reviewed the marked-up plat of survey as presented showing proposal and option by code.

Dan Ritter, Planning Manager, clarified the green line is the proposed portion that would meet the code.

COMMISSIONER GASKILL asked what the dotted line was.

Dan Ritter, Planning Manager, answered that's where he could continue the fence by-right.

COMMISSIONER GASKILL asked if the red line was where he wants to put the fence up by the sidewalk.

Lori Kosmatka, Associate Planner, clarified that the red line is what triggers the variation. The open design fence runs along the property line at zero feet

Dan Ritter, Planning Manager, noted the replacement is where the variation is triggered.

COMMISSIONER GASKILL noted that the Petitioner would pick up on the old fence, jog out to the sidewalk, come down, and back and pick up at the old fence on the side of the house.

Dan Ritter, Planning Manager, noted some of the history of this. The Petitioner originally proposed it from the driveway all the way down where the fence is now. Staff had suggested he request the least amount of variation as part of this. This is why part of the fence is pulled back to meet the code and then just jogs around the patio. The recommendation was to request as little as you need.

COMMISSIONER GASKILL asked what the patio is made of.

The Petitioner responded it is concrete.

COMMISSIONER SHAW asked if there was a permit on file from 1987.

Lori Kosmatka, Associate Planner, responded yes.

COMMISSIONER SHAW noted that when he went by, he couldn't really tell if it is the same patio from 1987. He asked if it is, as far as you know, the same patio.

Lori Kosmatka, Associate Planner, responded yes, that the permit had a plat in the file, and it has the same matching location footprint and dimensions.

CHAIRMAN GRAY asked the Petitioner if he had owned the home since the patio was installed, and to his knowledge he thinks it is the same as originally permitted.

The Petitioner responded no did not own it when the patio was installed.

CHAIRMAN GRAY asked the Petitioner if to his knowledge he thinks it is the same.

The Petitioner responded yes, it all appears to be the same age.

COMMISSIONER SHAW noted that when he looked at the standards, the one that really stands out was the ability to yield a reasonable return given the footprint of the property. He has trouble reconciling. It is possible to have a complying fence administratively as shown with the purple line, but as a practical matter it goes right down the middle of the patio. He liked the compromise staff proposed in putting conditions on a variance, that a fence variance remains in place only so long as the patio remains, and the patio can't be replaced. It would need to be taken out at which time the fence variance would cease to be approved. The agreement that if he's understanding that would be that at such time the patio was removed, the fence variance would no longer be in effect and would therefore have to be pulled back. He thinks that is a reasonable compromise. His only concern on that is that given the patio is already 35 years old, how far off are we from that, and if we grant it under those conditions, that to him would actually be an incentive not to replace the patio and it would therefore potentially fall into disrepair. He does see a bit of a hardship primarily with the circumstance here with size of the lot and the options under the code. He asked if the green line that jogs over is the same style of fence throughout. He welcomed the Petitioner to comment.

The Petitioner responded that is correct. He noted the patio is still in great condition. It just has two minor stress cracks with no buckling and no chipping.

COMMISSIONER SHAW noted that when he went by, it didn't seem to be sinking, breaking, or shifting, but it's 35 years old so it must have been a decent job when it was put in.

Dan Ritter, Planning Manager, clarified that we are not recommending that. We just pointed that out as an option if the Commission somehow connects them. He wants the Commission to have all the tools.

COMMISSIONER SHAW acknowledge that as a technical matter, Staff is not recommending that, but he appreciates that was put forth as an option.

Dan Ritter, Planning Manager, agreed it is an option, but there are still problems with that too. You could point back at that time and say I got a fence there so now I want the patio to stay.

COMMISSIONER SHAW noted that whether it is Plan Commissioners or Zoning Board of Appeals, there's the functional approval and then there's enforcement. Down the road while there might be conditions on the variance, then it becomes an enforcement and monitoring thing down the road.

COMMISSIONER MANI noted that this was something he was talking about on the previous agenda item. With fences, you should be able to replace it to whatever materials. He wants to do a nice wrought iron fence. It makes the property look better and to their liking.

COMMISSIONER GATTO commented that she's ok with it and it looks way better than what it does right now. The five-foot open style fence with wrought iron will look great. She agrees with Staff's recommendation to do after the patio to jog in to where the property line is in adjacent with the sidewalk. She asked if that's what was proposed.

Dan Ritter, Planning Manager, responded yes, that is what the Petitioner proposed. They jog it in so that it's only nonconforming just around the patio.

COMMISSIONER GATTO affirmed she is okay with that. That is a great compromise.

CHAIRMAN GRAY noted that most of the Commission has echoed sentiments that he has. Looking at Staff's option through the code or administrative approval, he thinks COMMISSIONER MARAK or TRUXAL had mentioned, we know you're not going to put a fence right down the patio and leave the other portion open. He recalled the Petitioner also had stated moving the patio to the north would be cost prohibitive, and that he has some utilities and other structures that reside there so there is limited options here because of that patio that was approved in 1987. He had no other comments. The options here are a little bit more limited based on what Staff gave in the report on page four of seven. He asked if there were any other comments from the Commission. Hearing none, he asked the Petitioner to sit down.

Dan Ritter, Planning Manager, offered the Commission to look at the Standards. These are just Staff's drafted ones. This is what the Commission sends to the Village Board. If you say you don't like as a group, you're saying you don't like the way this is worded, or we have something else for this, try and vocalize that so we can actually send what your recommendation is, and what your thoughts are to the Village Board. That gets carried into the ordinance as well.

CHAIRMAN GRAY asked for a motion to close the public hearing. Motion made by COMMISSIONER GATTO, seconded by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote; hearing no opposition, the motion carried. He asked Staff to present the Standards.

Lori Kosmatka, Associate Planner, presented the Standards.

CHAIRMAN GRAY requested a motion for the variations.

COMMISSIONER MARAK asked if the motions could be separated.

Dan Ritter, Planning Manager clarified these are two separate motions. The first one is the fence, and the patio is the second.

CHAIRMAN GRAY requested a motion for the fence.

Motion 1 – Variation for Fence

COMMISSIONER SHAW made a motion to recommend that the Village Board grant the following Variation to the Petitioner, Jim Stulga a 25-foot Variation from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a five-foot high open fence encroaching 25 feet into the required secondary front yard, where a fence encroachment is not permitted at 7240 174th Place in the R-4 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 5, 2022 Staff Report.

Motion seconded by COMMISSIONER GATTO. Vote taken by roll call; the vote was 6-1 in favor. Ayes were by COMMISSIONERS GASKILL, GATTO, MANI, MARAK, SHAW, TRUXAL. Nays were by CHAIRMAN GRAY. CHAIRMAN GRAY declared the motion as carried.

CHAIRMAN GRAY requested the second motion.

Motion 2 – Variation for Patio

COMMISSIONER TRUXAL made a motion to recommend that the Village Board grant the following Variation to the Petitioner, Jim Stulga a 25-foot Variation from Section III.H.1 (Permitted Encroachments) of the Zoning Ordinance, to permit an existing 682 square foot (22 feet by 31 feet) patio to be located in the secondary front yard encroaching 25 feet into the required secondary front yard, where a patio encroachment is not permitted at 7240 174th Place in the R-4 (Single-Family Residential) Zoning District,

consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 5, 2022 Staff Report.

Motion seconded by COMMISSIONER GATTO.

COMMISSIONER SHAW asked if the motion could be amended.

Dan Ritter, Planning Manager responded that there is a motion on the floor, and you could have discussion on it but it would need to be amended by the person who made it if it was to change.

COMMISSIONER SHAW noted he'd like to clarify the conditions because for the fence motion there weren't conditions specified. He noted his preference on the patio variation would be to include the condition discussed that if the patio were to be removed, then the nonconforming fence should be removed.

COMMISSIONER MARAK asked if that would be a third motion.

Dan Ritter, Planning Manager noted that the Commission could vote to amend that on. He suggested the Commission vote on the patio as presented and then consider going back to amend the first motion on the fence to include the condition separate from the patio motion that has been moved.

COMMISSIONER SHAW noted he was the only one who mentioned it so he didn't know if it was a moot point.

CHAIRMAN GRAY suggested a third motion because we may not have the same vote.

Dan Ritter, Planning Manager, noted we could do a third motion with the condition on it if everyone agrees they want to override the first motion. If it's separate, then we can send both motions to the Board, and they can choose which one they like best.

CHAIRMAN GRAY noted to COMMISSIONER SHAW that he'll have him restate the third motion. CHAIRMAN GRAY noted that we do have a motion on the floor right now.

Vote taken by roll call; the vote was 4-3 in favor. Ayes were by COMMISSIONERS GATTO, MANI, TRUXAL, and CHAIRMAN GRAY. Nays were by GASKILL, MARAK, SHAW. CHAIRMAN GRAY declared the motion as carried.

CHAIRMAN GRAY requested the third motion.

COMMISSIONER SHAW asked if we should revisit the same motion with the condition or just simply amend the previous one.

Dan Ritter, Planning Manager, responded you could make either of those motions but was cleaner to make a new separate motion.

COMMISSIONER SHAW noted to CHAIRMAN GRAY that procedurally he didn't know if it was necessary to go through the motion. He asked CHAIRMAN GRAY if he would entertain a straw poll. If there's no consensus on the point, there's no reason to go there.

CHAIRMAN GRAY asked who would be in favor, as COMMISSIONER SHAW mentioned, if the patio ceases to exist, if there was a fence that receives a variation it would have to be pulled back so that it would

have to conform to the setback. Seeing reactions from the Commissioners, he noted he saw all in favor his recommended third motion with the exception of COMMISSIONER MANI.

Motion 3 – Variation for Fence with Condition

COMMISSIONER SHAW made a new motion to amend the previous motion regarding the 25-foot Variation for the fence on the subject property to include the condition that if the concrete patio were to be removed or in disrepair, then the fence and patio would have to be removed and comply with the Zoning Ordinance at that time and the Variation would be voided.

CHAIRMAN GRAY noted that in the straw poll, the only “No” was from COMMISSIONER MANI. The majority was “Yes” for the amendment and a majority “Yes” for the Motion #1 on the fence. He wanted to ensure that was in the record.

Dan Ritter, Planning Manager, noted that you will still have to get a second to that and take the vote.

Motion seconded by COMMISSIONER MARAK. Vote taken by roll call; the vote was 6-1 in favor. Ayes were by COMMISSIONERS GASKILL, GATTO, MARAK, SHAW, TRUXAL, and CHAIRMAN GRAY. Nays were by COMMISSIONER MANI. CHAIRMAN GRAY declared the motion as carried.

Dan Ritter, Planning Manager, asked COMMISSIONER MANI just to clarify he preferred the less restrictive motion, without the condition allowing the fence and patio to remain as is.

COMMISSIONER MANI responded yes.

Dan Ritter, Planning Manager, noted he will make sure the Board knows why there were two motions and the general feeling expressed at the meeting.

CHAIRMAN GRAY noted that this item will go to Village Board on May 17th.

Dan Ritter, Planning Manager, noted it will go for First Reading on that day since there was no a unanimous consensus. He noted Lori Kosmatka will follow up with the Petitioner to let him know how to attend.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING
ITEM #3: PUBLIC HEARING – ANYTIME FITNESS, 17823 80th AVENUE – SPECIAL USE FOR A FITNESS CENTER

Consider recommending that the Village Board grant Steven Novak of Anytime Fitness a Special Use for a Commercial Indoor Recreation use greater than 3,500 square feet in size at 17823 80th Avenue in the B-1 (Neighborhood Shopping) zoning district. The request would allow transfer of the existing special use to a new owner with no changes proposed to the current operations.

Present Plan Commissioners:

Chairman Gray
James Gaskill
Angela Gatto
Andrae Marak
Ken Shaw
Eduardo Mani
Kurt Truxal

Absent Plan Commissioners:

None

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners:

Steven Novak, Anytime Fitness

Members of the Public:

None

CHAIRMAN GRAY introduced Item #3, and asked for a motion to open the public hearing. Motion made by COMMISSIONER GATTO seconded by COMMISSIONER SHAW. CHAIRPERSON GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRPERSON GRAY noted he received certification that the public hearing notice was published in a local newspaper. Anyone wishing to speak on this matter will be sworn in to speak but after staff's presentation. He asked staff to proceed with the presentation.

Lori Kosmatka, Associate Planner, presented the report. She summarized the history of the site and surrounding businesses and zoning. She noted the business is an Anytime Fitness franchise previously had a Special Use Permit approval in 2019 under another owner, and that was recently purchased by a new owner. She noted that Commercial Indoor Recreation Uses over 3,500 square feet require a Special Use while those under 3,500 square feet are Permitted. She noted that the Commercial Indoor Recreation Use can include many other activities such as racquetball, bowling, etc. She noted that Special Uses do not run with the land, and are required for uses that may or may not be acceptable in the specific zoning district based on the unique nature of the use. She noted the new owner has successfully operated two other locations and does not propose any changes in operations or intensity of use. The previous parking allotment of 29 spaces remains the same, and the new owner has observed that peak times only utilize approximately 15 parking spaces. She noted that the Petitioner is present.

CHAIRMAN GRAY asked the Petitioner to approach the lectern.

Steven Novak, Petitioner, was sworn in. He thanked everyone for their consideration. He's been an Anytime Fitness franchisee since 2018. It's been his passion to help people reach their fitness goals. Personally, he lost over 100 pounds and he understands how impactful that is in people's lives for their physical and mental health. He loves being able to serve the community and help others. In 2018 he had the opportunity to acquire the Homer Glen location and then in 2020 he acquired the Oak Forest location. Both of those locations are rated in the top 500 of Anytime Fitness's franchises, and are very successful. In March of this year, he had the opportunity to buy the Tinley Park location, but did not know he had to have a Special Use Permit. That was news to him and the seller. He proposes to carry over the previous permit and continue operations in the community. It is a vital business in the community. He's had countless times of people sitting in his office in tears based on something that's happened in their lives, and how important the gym is to them. To have a gym in Tinley Park is very impactful. Two weeks ago a lady cried in his office saying how the gym at Tinley Park has helped her get through the loss of her son. This business is a positive for the community.

COMMISSIONER SHAW noted it was good to hear the positive statements about the thankfulness in particular and the Petitioner's passion for it. He recalled the original Special Use discussion. The good thing is that it being a franchise, some of the concerns that were voiced in the previous discussion sounds to him, sounds like everything in the history as it was presented as expected. There haven't been any negatives coming out of it. It's fair to say that nothing has really materialized from those reservations expressed back then.

Dan Ritter, Planning Manager, responded yes, that we have never heard of any complaints. There were a couple residents that had shown up to the previous discussion. Since that time, Union Bar & Grill is also open, and they use the largest amount of parking in the center, and we still have not heard of any parking issues. He believes their peak times are different than some of the other businesses.

COMMISSIONER SHAW stated that along with that, and the Petitioner having no intent to change the nature of the operations, it carries weight because it is also a franchise.

The Petitioner stated there are regulations of what I can and cannot do. He cannot have a pool, daycare, or smoothie bars. It is all based on corporate regulations.

COMMISSIONER SHAW stated that assuming the previous owner was operating according to franchise rules, and the Petitioner intends to follow suit, it seemed fairly straightforward to him. He is in favor of approving this request. Regarding monitoring and enforcement, he doesn't know what we do as a community when we have these transfers of ownership. During the process it's made abundantly clear that it doesn't go with the ownership.

Dan Ritter, Planning Manager, stated that this isn't our preferred way to do this, but when somebody signs leases and sells a business, there's nothing that comes before us until we get to the business license transfer where it gets flagged. The Village struggles with this situation but rarely does it happen with Special Uses.

COMMISSIONER SHAW noted that it's tough and it's not Staff's fault.

Dan Ritter, Planning Manager, noted our concern for Special Uses is normally with owners transferring without a corporate structure that keeps operations consistent. A dog daycare operated by one person could be operated completely different by another person. The operations could change. This one, with the corporate structure in place, will likely have no noticeable change so they'll have their customers.

COMMISSIONER SHAW noted that lends stability in his opinion. In terms of him being supportive of it, he finds it less risky as opposed to it being a completely new business.

COMMISSIONER MANI commented that he appreciates the Petitioner wanting to keep the fitness center there and running it like mentioned. It's great for the community and helps everyone.

COMMISSIONERS GATTO and GASKILL were in agreement.

COMMISSIONER TRUXAL asked what is existing there today, if it is the same Anytime Fitness, if the Petitioner is taking over the same franchise as a new franchise owner.

The Petitioner responded yes. Everything including the business structure will stay the same, just with a different owner.

Dan Ritter, Planning Manager, noted that 2018 is when they moved in for the first time. Previously it was the restaurant Sanfrantello's before.

CHAIRMAN GRAY had no other comments other than what was already said. He is glad there is enough parking. It doesn't seem like that is an issue though you might have fewer spaces because you are so successful with the other locations. He congratulated the Petitioner for having the two businesses in the top 500. He felt this, and the Petitioner's weight loss was impressive. He had no other comments and offered the Petitioner to sit down.

CHAIRMAN GRAY asked if the public had any comment. Seeing none, he entertained a motion to close the public hearing. Motion to close the public hearing made by COMMISSIONER GASKILL, seconded by COMMISSIONER TRUXAL.

CHAIRMAN GRAY requested a voice vote; hearing no opposition, the motion carried. He asked Staff to present the Standards.

Lori Kosmatka, Associate Planner, presented the Standards.

CHAIRMAN GRAY requested a motion for the Special Use Permit.

Motion – Special Use Permit

COMMISSIONER GASKILL made a motion to recommend that the Village Board grant the Petitioner, Steven Novak of Anytime Fitness, a Special Use Permit to operate a Fitness Center (Commercial Indoor Recreation) that is greater than 3,500 square feet in floor space at 17823 80th Avenue in the B-1 (Neighborhood Shopping) Zoning District, according to the submitted plans and adopt the Findings of Fact as listed in the May 5, 2022 Staff Report.

Motion seconded by COMMISSIONER GATTO. Vote taken by roll call; all voted in favor. CHAIRMAN GRAY declared the motion as carried.

CHAIRMAN GRAY noted that this item will go to Village Board May 17th, and that the Petitioner should plan to attend.

Dan Ritter, Planning Manager, clarified the first reading and adoption would happen together on May 17th due to the unanimous recommendation.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING

ITEM #4: PUBLIC HEARING – OAK RIDGE SUBDIVISION (DR HORTON) – SPECIAL USE FOR FINAL PUD APPROVAL AND FINAL PLAT OF SUBDIVISION

Consider recommending that the Village Board grant DR Horton Inc - Midwest, a Special Use Permit for Final Planned Unit Development (PUD) Approval, on property located at the southeast corner of Ridgeland Avenue and Oak Forest Avenue. A Final Plat of Subdivision is also requested as part of the development approval.

Present Plan Commissioners:

Chairman Gray
James Gaskill
Angela Gatto
Andrae Marak
Ken Shaw
Eduardo Mani
Kurt Truxal

Absent Plan Commissioners:

None

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners:

James Truesdell, DR Horton

Members of the Public:

None

CHAIRMAN GRAY introduced Item #4, and asked for a motion to open the public hearing. Motion made by COMMISSIONER GATTO seconded by COMMISSIONER SHAW. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY noted he received certification that the public hearing notice was published in a local newspaper. Anyone wishing to speak on this matter will be sworn in to speak but after staff's presentation. He asked staff to proceed with the presentation.

Dan Ritter, Planning Manager, presented the report. Staff summarized the planned development, explained the different steps in the PUD process then summarized the staff report.

CHAIRMAN GRAY asks if the applicant is in the audience and wants to add anything. Then proceeds to instruct the applicant to sign his name in the book and swears in applicant.

The Petitioner, James Truesdell, was sworn in. He stated I'm glad to be back since we were here in December. I think Dan did a pretty good job at summarizing everything. Basically, everything in front of you tonight is virtually identical to what was approved in the preliminary plan. Dan did bring up a few things, one of the changes was the introduction of a phasing plan. Initially we said we're going to come in and do everything in one phase. We're still going to plat it in one phase and we're still going to put up our performance guarantees for the improvements all at one time so that the village has that control to make sure that everything does get completed. However, as time has passed and they have looked at the reality of the market i.e., labor shortages, supply chain issues, etc., there was a

concern on Horton's part. Can they get all of the crews out there and get all the materials they need to create a subdivision of this size in one phase. The goal is still to do this as quickly as possible, but they want to have the ability to break it into these two phases in case there are issues of that nature as they move forward. Regarding the cul-de-sac that goes to the ABC Supply, we're agreeable to that. We will make sure that goes in if anything should happen on that site in the near future, so we will make sure that's a commitment on our part. As far as the walkway connections to freedom pond, we're fine with the recommendation of the staff to add a second walk, an easement over that second walk to make sure everyone has the ability to get down there. We are agreeable to everything being subject to finalized engineering review and approval regarding the engineering and the final plat. In regards to the fence, it will be owned and maintained by the homeowner's association. Petitioner stated that they want to proceed with the wooden fence as that best fits the aesthetic and was part of the preliminary approval.

CHAIRMAN GRAY thanks the petitioner for his presentation then proceeds to ask other commissioners if they have any questions beginning with COMMISSIONER GASKILL.

COMMISSIONER GASKILL expressed that he thinks the proposed development looks good.

COMMISSIONER TRUXAL stated that he thinks it makes sense for the development to be completed in two phases.

COMMISSIONER MARAK asks if the ABC property zoned for residential and if not, is the village open to zoning it residential and expanding the project? He also asks if Panduit is still open.

Daniel Ritter, Planning Manager responded yes, that is their innovation center. They still have a corporate headquarters, but this location is for their testing as an office kind of research type facility.

COMMISSIONER MARAK noted there's much less traffic at it now than there used to be in the past.

Daniel Ritter, Planning Manager, noted the ABC property is vacant for sale. The discussion of this area has been that it is a unique situation where you are transitioning from industrial type uses to residential. That is what this area is going to become. This area is right by a high school.

COMMISSIONER MARAK noted he loved the idea of having sidewalks there. It would be an improvement not only for there but for everybody else who lives in that area.

COMMISSIONER SHAW had a question about the phasing. He understood the need for it. He didn't question why there was phasing but just wanted to understand if the intent to do all the infrastructure and grading all at once.

The Petitioner responded yes.

COMMISSIONER SHAW asked if the roads for phase two would be graded but not built during phase one. He asked about the underground infrastructure.

The Petitioner responded the storm sewers would be put in as necessary to drain the site and get down to Freedom Pond. Anything that would be required to build any of that would be installed in phase one, the green area, any storm sewers necessary to drain the site to get the detention basin would have to be put in, any sewer and water lines that would have to come to the site would all have to be put in with phase one. The blue area, phase two, we would hold off on doing the underground sewer and water and streets in that area until we get through the first phase.

COMMISSIONER SHAW asked what the rationale was to put the five lots into phase two as opposed to phase one.

The Petitioner responded that in phase one they want to make sure they had two ways in and out of the subdivision to make a look so we can get in from both ends and for emergency vehicles. We didn't feel we had the need to build that little cul-de-sac in there as it really didn't serve anything. He noted Staff had brought up the point about the concern on ABC so we agreed if something would happen on ABC and want to build it, then we'll put that road in.

Daniel Ritter, Planning Manager, noted the thought was that whether DR Horton did or somebody else was developing that, what is it and how does it relate to this might change what happens there. The only thing he thinks

would be additional is you wouldn't build the cul-de-sac, it would just go straight. It would be wasted if somebody else came in there and redeveloped it, but it was just how do those relate. Holding off until phase two was in the case they do get it, then it would make sense to do that all at once.

COMMISSIONER SHAW noted he understood the practical reasons for it, as it makes sense. He asked if procedurally the approvals being sought are for phase one and phase two from the beginning.

The Petitioner responded yes.

COMMISSIONER SHAW noted that if things accelerate, then there is no phase one or phase two, you would just go.

The Petitioner agreed and noted this is just a concern in case there's an issue. If things go well and sales are going well and they can get the supplies then we will just keep going. He doesn't believe this is going to be a problem.

COMMISSIONER SHAW noted he's optimistic. The five lots would seem logical because they could hit right away as it's somewhat of a desirable corner. If you would come in for phase two approval, he would almost say to throw it in there, but it phase one and phase two are going concurrently in terms of approvals then it's kind of a moot point.

The Petitioner noted the guarantees would be in place.

Daniel Ritter, Planning Manager, noted that even final engineering has gone in pretty extreme detail at this point. Engineering is being done for everything and is all interconnected. The Commission is approving both phases here. The Petitioner won't be back and will not have a separate permit. We will have it all happen at once.

COMMISSIONER SHAW noted if everything goes well then as a practical matter there is no phase one and phase two, however by phasing it, you have the option to pause.

Daniel Ritter, Planning Manager, noted that it allows us to plan practicality of the phases. If they were just deadending two roads that weren't connected then that would be a concern. This is kind of a natural looped area.

COMMISSIONER SHAW noted that construction traffic doesn't seem to be a concern for phase one and the townhouse section for phase two because you have a separate entrance, it doesn't seem like construction traffic would be a problem. It's the back, east loop for phase two. He doesn't see that as being a major concern. He asked what their logistic thoughts would be on construction traffic. Instead of coming down the Ridgeland entrance, it would be more Oak Forest Avenue when you have phase two construction.

The Petitioner noted they'll work with the Village on that. Typically they'll try to work that street so they get homes done in one area along there so they don't have to keep going over the area of where the new homes are being built and work our way back out of the subdivision.

COMMISSIONER SHAW noted that makes sense. He doesn't really have any concerns about those things. He noted that he did bring up the option of connecting to Freedom Pond. He appreciated they have tried to accommodate that. He recognized what Dan Ritter said about the potential for homeowner's association to say no and put up a fence to not get through. Having lived in townhomes, he can see it from that perspective. He is practically indifferent a little bit. That proposed connection is just so close to Ridgeland anyway as opposed to it being in the middle of the development. Even though he brought it up, he wouldn't see it being a sticking point. He thinks it's good if they could work something out. It wouldn't be an obstacle for me.

The Petitioner noted they'd be agreeable to provide it and put an easement over it.

COMMISSIONER MANI noted he likes the project. It looks great and he's excited to see it come to fruition.

COMMISSIONER GATTO noted she had a question on the phases. Interest rates are going up every week. Housing market is going to start coming down at some point. We all know that. Her concern is that in doing phase one and grading all that land out, we've already seen issues with that on 191st Street where that development was

supposed to go up and they just up and ran from it. We had major complaints about people not upkeeping the land. That's her concern. Phase one can go in six months and then maybe something happens in the market and phase two doesn't get to start, but everything was graded, and the property is not upkept. That's her concern with the two different phases. She doesn't want to see things like that but wants to make sure we are realistic. Let's say phase one gets completed, do we have a stipulation on how long phase two can take to start?

Daniel Ritter, Planning Manager, responded the grading itself wouldn't be a problem. If it's just dirt that's been nicely placed, you don't have foundations in the ground that's not the worst thing. However, we do have financial guarantees in place for that reason. DR Horton is agreeable to that for the entire subdivision coming in at once. What that means is anything that's a public improvement is covered by the financial guarantees. Otherwise, we would not allow them to plat for the entire phase we would require them to plat phase one then come back with a plat for phase two when they are ready.

COMMISSIONER TRUXAL asked where the surface level of topsoil will go once removed.

The Petitioner stated, unfortunately I can't answer that question right now. I know the engineers are still working on that. We typically do try to find a spot that is hidden from public view.

COMMISSIONER TRUXAL noted that he would like to see that as an added stipulation so that it does not become unsightly.

CHAIRMAN GRAY stated, that in his experience, topsoil is staged onsite due to the cost of transporting it to bring it back to the site once construction is complete. He agreed with COMMISSIONER TRUXAL'S point that it needs to be strategically placed.

Staff mentioned that part of the financial guaranty agreements includes the disposal of dirt left on a site in the event that the construction is not completed.

CHAIRMAN GRAY noted that if something like that happened and there were pads built, there would still be a desire for topsoil to be filled back in so rather than buying topsoil its already in place.

Staff stated that the location of the topsoil will be dependent on factors such as elevation to avoid erosion.

The Petitioner stated that he would bring it up to their engineer as well to ensure it is not an issue.

CHAIRMAN GRAY states that he is okay with open item 1. He also informs the petitioner that he appreciates the willingness of the developer to enter into agreements to ensure certain protections. He continues to state that he is okay with open item 13 due to the workshop meeting. He states, it looks pretty good and it will improve that area in Tinley Park.

CHAIRMAN GRAY asked for a motion to close the public hearing. Motion made by COMMISSIONER SHAW seconded by COMMISSIONER TRUXAL. CHAIRMAN GRAY requested a voice vote, hearing no opposition the motion was declared carried.

Staff summarized the standards for a special use.

CHAIRMAN GRAY requested the first motion.

Motion 1 – Special Use for Final PUD Approval

COMMISSIONER SHAW made a motion to recommend that the Village Board grant a Special Use Permit to the Petitioner, DR Horton Inc - Midwest, for Final Planned Unit Development Approval for the Oak Ridge Subdivision located at the southeast corner of Ridgeland Ave. & Oak Forest Ave (excluding 17201 Ridgeland Ave), zoned R-5 (Low-Density Residential) and developed with 81 detached single-family and 162 attached single-family units, in accordance with all plans/documents submitted and listed herein and adopt the Findings of Fact as proposed by in the May 5, 2022, Staff Report, subject to the following conditions:

1. The PUD exceptions and restrictions from the Zoning Ordinance, as listed in the staff report, shall be included within the Preliminary and Final PUD ordinance documents.
2. Final conditions, covenants, and restrictions (CC&Rs) shall be recorded prior to any transfer of ownership or any lots, closings, or occupancy permits are issued.
3. The project shall be subdivided at one time with a single Plat of Subdivision. All performance guarantees for public improvements for all phases due prior to starting Phase 1 site or construction work. Site grading work may begin prior to the Plat recording but no road, utility, drainage, or other development work shall begin until the Plat is fully signed, all property taxes paid, and in the process of being recorded with Cook County Recorder of Deeds Office.
4. The completion of adjacent public improvements (utilities and Leinster Lane roadway) will need to be completed for the Leinster Lane right-of-way adjacent to lots 77-81, within 1 year after approval of any redevelopment plan of the former ABC Supply property (17201 Ridgeland Ave) that requires such improvement connections.
5. A Special Service Area (SSA) shall be established over the development to begin at the time of Final Approval. This shall be finalized with the county prior to any transfer of ownership or any lots, closings, or occupancy permits being issued.
6. The public park shall be completed and approved prior to beginning any phase 2 work. The expectation is future approval and acceptance by the Village and to be transferred to the Tinley Park – Park District. This transfer may happen anytime from completion/acceptance of the park and completion of the subdivision (or at any point there is a “turnover” from the developer to the association that is triggered.) However, if the Park District does not accept the park’s dedication, the park shall remain owned/maintained by the Oak Ridge Homeowner Association.
7. A cash-in-lieu payment for the sidewalks on Ridgeland Ave and Oak Forest Ave be submitted prior to issuance of any permits. The payment is currently estimated by the engineer at \$82,279 but is subject to changes related to increases in construction or material cost.
8. The final Addressing Plan requires final review and approval by the Village, Public Safety, and Post Office.
9. The final approval of all plans is subject to final engineering approval of all plans by the Village Engineer and any other jurisdictional approvals, including but not limited to Cook County DOT, MWRD, and IEPA.

Motion seconded by COMMISSIONER MANI. CHAIRMAN GRAY then asked for the roll call. All Commissioners voted in favor; motion was declared carried.

CHAIRMAN GRAY requested the second motion.

Motion 2 – Final PUD Plat

COMMISSIONER GATTO made a motion to recommend that the Village Board grant approval to the Petitioner, DR Horton Inc – Midwest, Final PUD Plat Approval for the Oak Ridge Subdivision in accordance with the Oak Ridge Final Plat of Subdivision submitted (dated April 15, 2022), subject to the condition that the approval is subject to the final review and approval by the Village Engineer and Village Attorney.

Motion seconded by COMMISSIONER TRUXAL. CHAIRMAN GRAY asked for a roll call. All Commissioners were in favor, motion declared carried.

CHAIRMAN GRAY noted that this item will go to Village Board May 17th, and that the Petitioner should plan to attend.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING
ITEM #5: WORKSHOP – ATLAS PUTTY NEW WAREHOUSE, 8301 185TH STREET

Consider recommending that the Village Board grant Steve Vernon of Vernon Development Inc., (Petitioner/Developer) on behalf of Atlas Putty Products Co. (Owner), a Special Use for a Substantial Deviation from the Northstar Business Center PUD at property located at 8301 185th Street in the M-1 PD (General Manufacturing, Northstar Business Center PUD). Site Plan/Architectural Approval and Final Plat of Subdivision Approval is also request as part of the development. The development proposes demolition of an existing building at 8231-33 185th Street and reconfiguration of the existing lots to allow for construction of a new 87,267 sq. ft. warehouse building.

Present Plan Commissioners:

James Gaskill
Angela Gatto
Andrae Marak
Acting Chairman Ken Shaw
Eduardo Mani
Kurt Truxal

Absent Plan Commissioners:

Chairman Gray (recused)

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners:

Steve Vernon
Dave Payton

Members of the Public:

None

CHAIRMAN GRAY recused himself and requested COMMISSIONER SHAW to step in.

ACTING CHAIRMAN SHAW introduced Item #5. He asked staff to proceed with the presentation.

Dan Ritter, Planning Manager, summarized the staff report.

ACTING CHAIRMAN SHAW went around requesting commentary from the Commissioners.

COMMISSIONER MARAK commented it looks good.

COMMISSIONERS TRUXAL & GASKILL had no comment.

COMMISSIONERS MANI & GATTO commented it looks great.

ACTING CHAIRMAN SHAW proceeded to ask about the requirement of sidewalks in the UDOD overlay district.

Dan Ritter, Planning Manager, responded that sidewalks are required. Engineering suggested that a cash-in-lieu be put in place since there are no adjacent sidewalks to connect.

ACTING COMMISSIONER SHAW noted that he would prefer to see the sidewalk instead of the cash-in-lieu but it is not a major sticking point for him. It is a good-looking building, but the long stretch of it needs something. The flat view of the elevation drawings makes it look words.

Steve Vernon noted the 3D rendering does it better justice. The burgundy-colored portion comes out about three feet and are five feet wide. They may consider raised panels, but not offsets in the middle of the building. Bumpouts are very expensive. The proposal already has three. The potential future tenant could do the west side of the building. There is no intention to lease now, but we want to make it universally leasable for investors.

ACTING CHAIRMAN SHAW asked staff if there was any more discussion on open items that needed to happen.

Dan Ritter, Planning Manager, responded, the biggest changes that are being sought out are architectural changes which staff feels can be worked out internally.

Steve Vernon noted the doors were a change for more office and FACP room. He didn't need the two doors. He moved the second door closer to the other side of the building. It is more acceptable as a tenant space.

Dan Ritter, Planning Manager, noted that a good discussion point is the addition of a dock to the proposed building. A dock could go there in the future.

Steve Vernon noted the changes were made per the comments, including front yard parking. They want to make the northeast office accessible and could use the southwest corner too.

Dan Ritter, Planning Manager, noted the landscaping item.

Steve Vernon noted that was more an oversight.

Dan Ritter, Planning Manager, noted that we can work with you. Everything else was addressed in the initial staff review.

ACTING CHAIRMAN SHAW noted to the applicant that he appreciated them staying this late.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE MAY 5, 2022 REGULAR MEETING

ITEM #6: PUBLIC HEARING – BUILDING CODE TO ZONING CODE TRANSFER (DRIVEWAYS, ACCESSORY STRUCTURES AND MISC.) – TEXT AMENDMENT

Consider recommending that the Village Board amend certain sections of the Zoning Ordinance to carry over portions of the current building code into the zoning ordinance where they are better served. Regulations include driveway location, driveway width, storage shed size, accessory structure locations, and other miscellaneous regulations.

Present Plan Commissioners:

Chairman Gray
James Gaskill
Angela Gatto
Andrae Marak
Eduardo Mani
Ken Shaw
Kurt Truxal

Absent Plan Commissioners:

None

Village Officials and Staff:

Dan Ritter, Planning Manager
Lori Kosmatka, Associate Planner

Petitioners:

None

Members of the Public:

None

CHAIRMAN GRAY called for a voice vote to continue the public hearing to the next regular meeting on May 19th. Motion made by COMMISSIONER SHAW seconded by COMMISSIONER MANI. Vote taken by roll call; all in favor. CHAIRMAN GRAY declared the motion carried.

GOOD OF THE ORDER

Dan Ritter, Planning Manager noted Floor & Décor is open. Popus has its grand opening on Saturday. Magnuson Apartments and RJ's Seafood both submitted for their permits. RJ's will be at the old Tin Fish location. RJ's is not doing the building addition due to shortages, but will just be remodeling the existing footprint for now. If they come back for the addition, only a separate permit will be needed. Drip Drop Smokes and McDonald's Sign were approved by Village Board.

PUBLIC COMMENT - NONE

Motion to adjourn the meeting made by COMMISSIONER GASKILL, seconded by COMMISSIONER MANI. Voice vote, all in favor. The motion carried.

Meeting Adjourned at 10:08 pm



Petitioner

Steve Vernon of Vernon Development Inc., on behalf of Atlas Putty Products Co.

Property Location

8301 185th Street

PINs

19-09-02-200-028-0000
& 19-09-02-201-001-0000

Zoning

M-1 PD (General Manufacturing, Northstar Business Center)

UDOD (Urban Design Overlay District)

Approvals Sought

- Special Use Permit for PUD Deviation
- Site Plan/Architecture Approval
- Final Plat Approval

Project Planner

Daniel Ritter, AICP
Planning Manager

PLAN COMMISSION STAFF REPORT

May 19, 2022 – Public Hearing

Atlas Putty New Warehouse

8301 185th Street



EXECUTIVE SUMMARY

The Petitioner, Steve Vernon of Vernon Development Inc., (Petitioner/Developer) on behalf of Atlas Putty Products Co. (Owner), is seeking a Special Use Permit for a Substantial Deviation from the Northstar Business Center Planned Unit Development, Final Plat Approval, and Site/Architectural Approval to allow for the construction of a new 87,267 sq. ft. warehouse building to be used by Atlas Putty on the property at 8301 185th Street.

Atlas Putty is an existing business in the Village and has two current building locations in Tinley Park at 8351 185th Street and 8301 183rd Street. They are looking to expand their available space nearby these existing locations to allow for the most efficient movement between the different sites. As part of the new warehouse structure being built, an existing office building at 8231-33 185th Street will be demolished to combine that property with the vacant land on the adjacent Atlas Putty site.

This proposed project has a few exceptions from the approved Planned Unit Development and Urban Design Overlay District requirements. The Special Use for a Substantial Deviation will approve these Exceptions, the lot changes to the existing PUD, and additional structure density.

Any changes to the May 5, 2022 Plan Commission Workshop Staff Report are indicated in Red.

EXISTING SITE & HISTORY

The subject property consists of two existing parcels. The first parcel (8351 185th Street) is an approximately 9.62-acre parcel that was originally developed for Atlas Putty's headquarters and was an approximately 46,800 sq. ft. building. The original building was approved in 2000 and completed in 2001 with a concept plan of having an addition on the first building and a potential second building on the vacant land to the east. The approximately 50,000 sq. ft. building addition was approved in 2007 and completed in 2008. The land for the second building has remained vacant since and remains part of the same parcel as the portion with the building. This land area will be subdivided off to combine with the second parcel for a new lot as part of this proposed redevelopment.

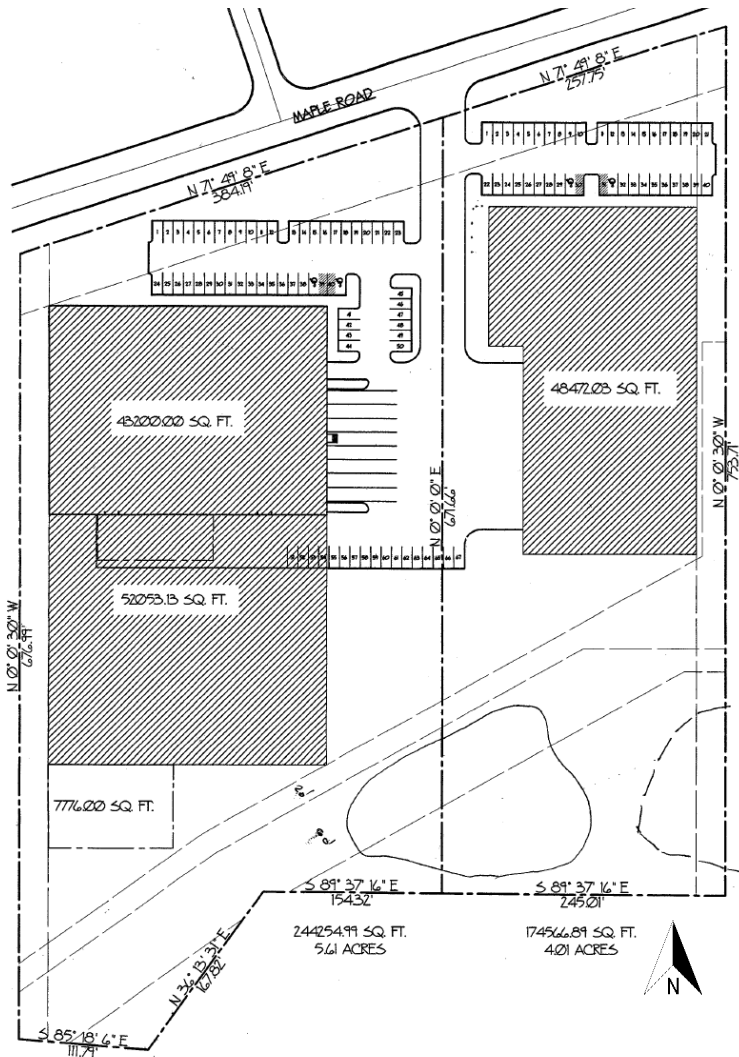
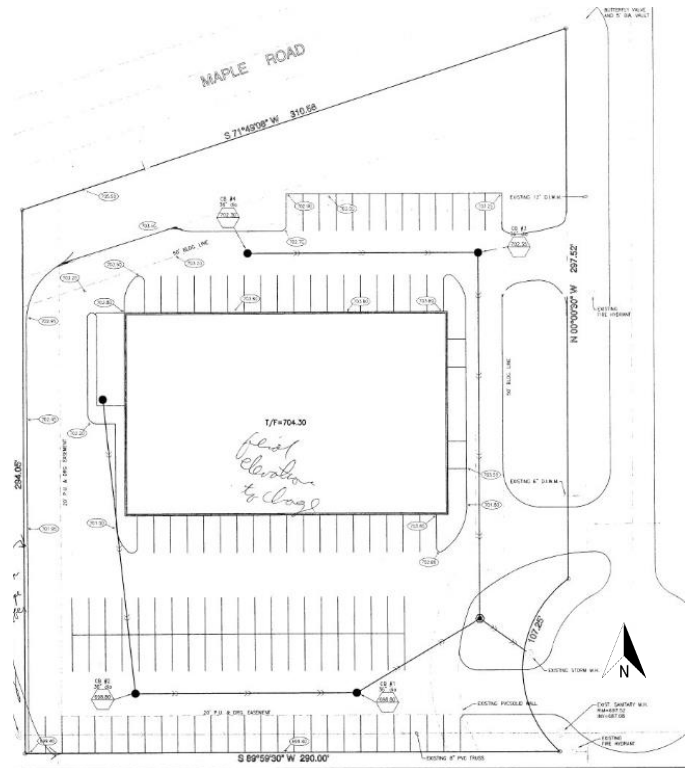
The second parcel of land is approximately 2.28 acres directly to the east of the first parcel at 8231-33 185th Street. This is an existing 20,000 sq. ft. "flex space" building (with parking, landscaping, and loading areas) that was designed to be used for a mix of purposes but has primarily used as offices. The building was approved in 1996 and completed in 1997. The building was purchased in early 2022 and existing tenants are going to be moving out to prepare for the building's demolition.

Existing Parcels:



Proposed New Development Area:



Original Site Plans:Left: Lot 1 - 2007 Concept Plan – 8351 185th StRight: Lot 2 - 1996 Site Plan – 8231-33 185th St**ZONING & NEARBY LAND USES**

The property is zoned M-1, General Manufacturing and is part of the Northstar Business Center Planned Unit Development (PUD). The PUD was originally approved in 1994 (Ord. 94-O-041) with the M-1 base zoning covering the full area. The PUD was developed over time in phases, some as speculation builds and some as build-to-suit for specific tenants. The PUD includes a mixture of office, light industrial and warehouse/distribution uses. The subject sites are at the southwest corner of 185th Street (previously referred to as Maple Road) and Northstar Court. The overall area was developed from 1995 to the mid-2000s. The Northstar development is very similar to the nearby Tinley Crossings Corporate Center that came in with a similar zoning and development pattern in 1998.



To the west of the subject site is the existing Atlas Putty headquarters (8351 185th Street) and the American Sales Distribution Center and Outlet Store (8401 185th Street). To the north and east are similar industrial warehouse buildings. The PUD is fully developed despite the ability for some building additions. All surrounding sites are zoned M-1 and located in Northstar, Mercury, or Tinley Crossings PUDs. To the south of the site is I-80 and a truck weigh station with the Village of Mokena on the south side of the expressway.

The site is also located within the Urban Design Overlay District (UDOD), which promotes walkability, lesser front yard setbacks, and overall, a more urbanized look. These regulations override the underlying zoning regulations when applicable. The UDOD regulations only apply to buildings less than 100,000 sq. ft. While the proposed building will be less than that, it is relevant they noted that the intent of the regulations is hard to meet with larger industrial and commercial developments, which should be looked at on their own merit. Due to the inconsistencies between the intent of the UDOD and the industrial truck-oriented development pattern of the existing development within the Northstar Business Center Planned Unit Development, staff relied primarily on the PUD development pattern to guide the review of the project.

PROPOSED USE

Atlas Putty produces several different chemicals and products for industrial and commercial applications (www.putty.com). Areas of expertise include Do It Yourself Patch and Repair products, Sealants and Adhesives, Paints and Coatings, and Specialty OEM Compounds. Additionally, they have experience in Automotive Care and Janitorial/Housekeeping, serving mid- to large-size manufacturers, including divisions of Fortune 500 companies and companies looking to outsource production. The petitioner has three locations now: their existing HQ building at 8351 185th Street in Tinley Park, a second building nearby at 8301 183rd Street in Tinley Park, and then a temporary location they currently lease in Mokena. The Petitioner proposes to construct a new 87,267 sq. ft. warehouse building for production and storage of the goods they produce that is adjacent to their largest building and headquarters. This new building allows them to continue to grow while keeping their production and warehouse facilities near each other in the Village of Tinley Park.

PUD EXCEPTIONS

The Applicant is requesting a Special Use Permit for a Substantial Deviation from the Planned Unit Development. Deviations from Village's Zoning Ordinance are considered Exceptions rather than Variations and do not require the standard Findings of Fact as required with a Variation. Exceptions are looked at in terms of their conformance to their overall PUD's design and goals. While it is not necessary to call out every Exception shown in the corresponding PUD Exhibits and plans, staff outlines anything significant so that the Plan Commission, Village Board, and future owners can understand what specific flexibility is being given to the development through the PUD process. The Exceptions include:

1. UDOD (Sec. V.D.2.) – Increased primary (north) and secondary (east) front yard setbacks
2. UDOD (Sec. V.D.2.) - Allowing parking in the front yards (north and east)
3. UDOD (Sec. V.D.2.) - Maximum of one curb cut access per site
4. Off-Street Parking (Sec. IX) - Allowing Parking in the front and side yards

The Northstar Business Center PUD was designed prior to the approval of the Urban Design Overlay District. The setbacks move the building closer than was previously permitted under the M-1 zoning (min. 50' setback) Due to the unique nature of the site and the existing development patterns within the PUD, these exceptions help to retain the character of the PUD and provide adequate access for trucks. Cross-access has been planned with the existing Atlas Putty location to the west that will allow for the building footprint to be maximized but also for operational efficiencies with the two building's docks nearby to each other.

~~Open Item #1: Discuss the requested Substantial Deviation with Exceptions from Zoning Ordinance regulations and Urban Design Overlay District.~~

SITE PLAN

The development is unique in that it will be one lot with one large building but will have two different entrances and parking areas. To get from one side to the other, vehicles and trucks will need to go on to 185th Street and Northstar Court. It is typically preferred these areas be connected on the site to avoid traffic using public roadways for circulation. However, the design of the site is unique due to the complexity of combining two separate lots and maximizing the building footprint. The proposed site design is not expected to generate more traffic than two separate industrial buildings would produce.

The primary employee and visitor entrance will be on the northeast corner where the majority of the parking is located. There is a smaller dock area that will be used for some limited deliveries depending on the internal warehouse layout. The southwest corner will be the primary dock area for receiving and shipping. There is a rear parking area that can be utilized by employees who may work in that side of the warehouse. Each parking lot has a 5-foot extension at the end to allow vehicle to reverse out and turn around.

The dual parking and dock proposal work best for Atlas Putty but may also provide flexibility in the future if the building has multiple tenants. Accessible pedestrian connections in compliance with the Illinois Accessibility Code are proposed to connect the parking field to the building entrances.

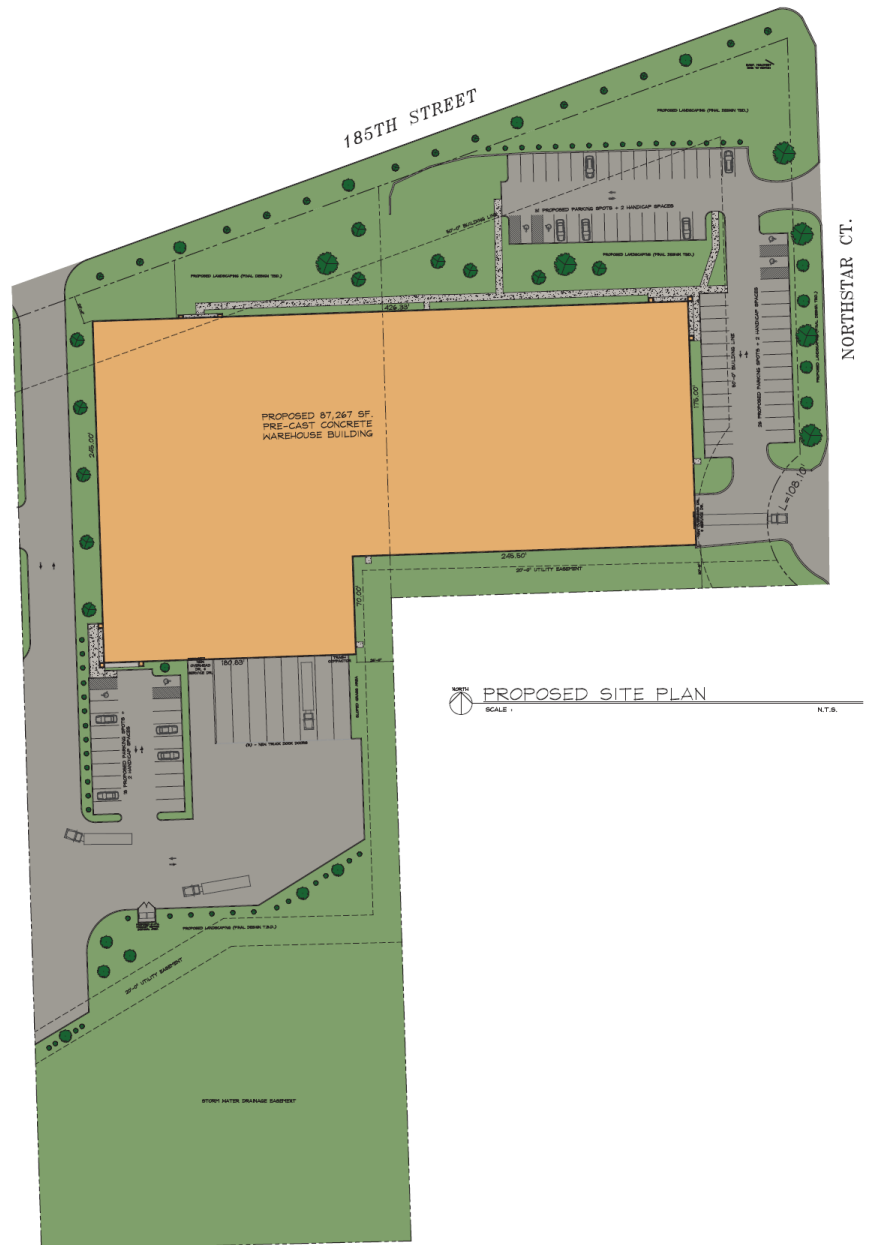
Exterior Storage

No exterior storage or materials is proposed and is similar to the surrounding developments that have limited or small exterior storage areas. If any exterior storage is proposed in the future, it will need to meet the location (only rear yards), size (maximum 30% of lot), and screening (screened by a solid fence or acceptable buffer landscaping).

Dumpster Enclosure

A dumpster enclosure location is shown but is conceptual and not expected to be constructed at this time. The enclosure location is shown in the event that part of the building is rented or owned separately in the future. The current tenant prefers interior trash compactors which is placed within one of the recessed docks. This is an option that provides a better exterior look, less maintenance, closer to staff who do not need to walk outside, and also limits the promotion of “fly dumping” which can be problematic in industrial areas. The proposed location also allows flexibility to expand the enclosure a significant amount if there is larger trash producing tenant in the building.

Open Item #2: Review proposed site plan, location of parking fields, and overall site circulation.



Sidewalks

The Subdivision Code requires any new development or redevelopment to install a public sidewalk on adjacent rights-of-way per engineering standards. However, there is no existing sidewalk network in the area. While sidewalk systems do need to start somewhere, staff left the option to the Petitioner to either install the sidewalk or provide a cash-in-lieu payment instead of installing the sidewalk. The Petitioner preferred the option of a cash-in-lieu payment as opposed to a sidewalk on a roadway with no sidewalk present. The Village Engineer will need to estimate a cost to be paid prior to start of construction work. The Petitioner may always still elect to design and install the sidewalk with this project if they wish, but the cash-in-lieu payment has been recommended at this location. Staff is recommending the Plan Commission include this condition as part of their recommendation to the Village Board for clarification purposes.

Engineering

The proposed design and revised plan have not been re-reviewed by Engineering. Final engineering will be reviewed as part of the final development permit. A recommended condition has been added clarifying that this approval is not approving final engineering and that approval is still required with the site development permit.

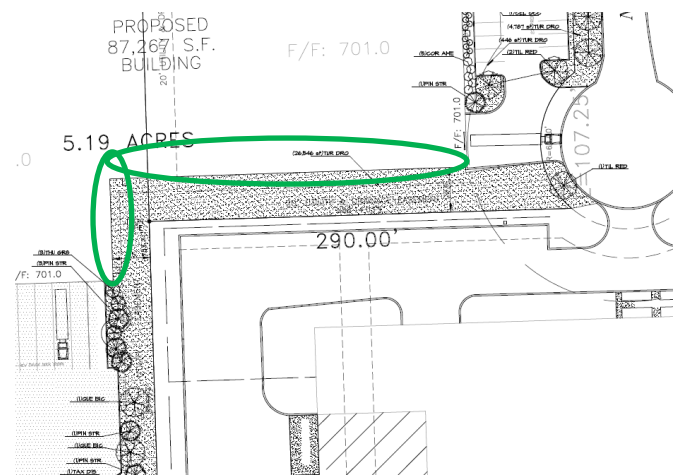
~~Open Item #3: Final Engineering Review and approval has not been completed yet; all approvals are to be conditioned upon engineering approval.~~

The Petitioner explained in the workshop the need and desire operationally for the two parking lots and access points. This was driven by the unique combination of the lots, existing multiple roadway access points, and the desire to allow a portion of the building to be leased in the future by a separate tenant. Plan Commission did not have any immediate concerns with the overall site circulation. The Site Plan Approval has been conditioned accordingly with final engineering review.

LANDSCAPE

The propose Landscaping Plan is attached in the staff report and in substantial conformance with the Landscape Ordinance with regards to planting locations, amounts, and species types. The development is attractively landscaped and will exceed most existing/older properties in the area.

The one waiver that is requested is to the south side between the subject site and the Steiner Electric property (18600 Northstar Ct.) This area has no landscaping proposed where a rear bufferyard planting and foundation landscaping is required. While this area won't be highly visible to the public, it remains visible to the subject site and neighboring property. It is noted that there is a utility easement with a sanitary main located in it. While plantings are permitted in the easement, certain types like large trees or deep roots are not recommended. To meet the intent of the landscaping regulations, staff feels the best option is to only install foundational landscaping along the south portion of the façade. Since this area has limited visibility, low maintenance shrubs, bushes, are recommended to help break up a large flat façade.



~~Open Item #4: Review and discuss the proposed Landscape Plan and staff recommendation to place foundational landscaping where there is none currently on the south side of the building.~~

The Petitioner agreed to add foundational landscaping and will provide an updated Landscape Plan at the Public Hearing.

ARCHITECTURE

The building will be constructed of pre-cast concrete panels. As a structure over 80,000 sq. ft. in size in the M-1 zoning district, the precast panels comply with the masonry requirement. However, with precast panels comes a unique challenge with regards to architectural design. The design is often similar to other industrial buildings with limited ability to differentiate it. There can also be large expanses of flat areas with little character or design elements. When possible, good design of these large footprint buildings incorporates differing design elements that create vertical and horizontal articulation, as well as other visual changes in the façade (color, material type, canopies, etc.)



Above: Rear/Southwest Corner 3D Rendering.

With the proposal there are raised red architectural elements located at different areas of the building. These elements are most often located on the corner of a building and include use of glazing. However, as you can see on the elevations below, it was a challenge to locate that at the northwest corner due to a steep grade difference, which shifts the architectural element east from that corner.

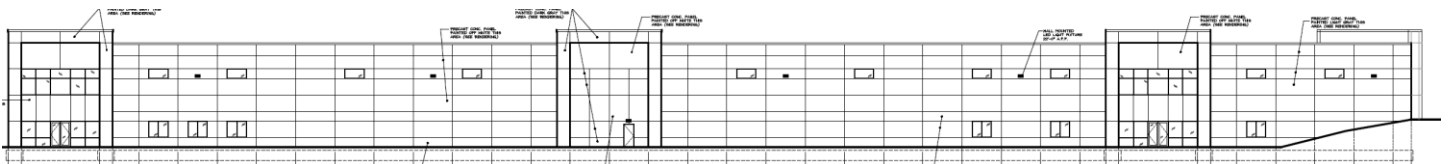
The main concern with the design relates to the north elevation which will be visible from 185th Street. That elevation has a large expanse of over 300 feet of flat wall. Staff recommends adding one more raised red architectural element over the proposed door area that is halfway between the two proposed elements on that façade. The change will bring an additional break along the most visible and front façade of the building.

Open Item #5: Review proposed architecture and provide any suggestions for interesting/detailed design. Review recommendation to add an additional raised architectural element spaced between the two existing elements on the north/front façade.

The Petitioner agreed to add an additional colored element along the north façade to help break up the long flat wall. This is similar to the corner elements but will not protrude from the building. A line elevation is below and color renderings are expected to be completed by the public hearing.



Revised

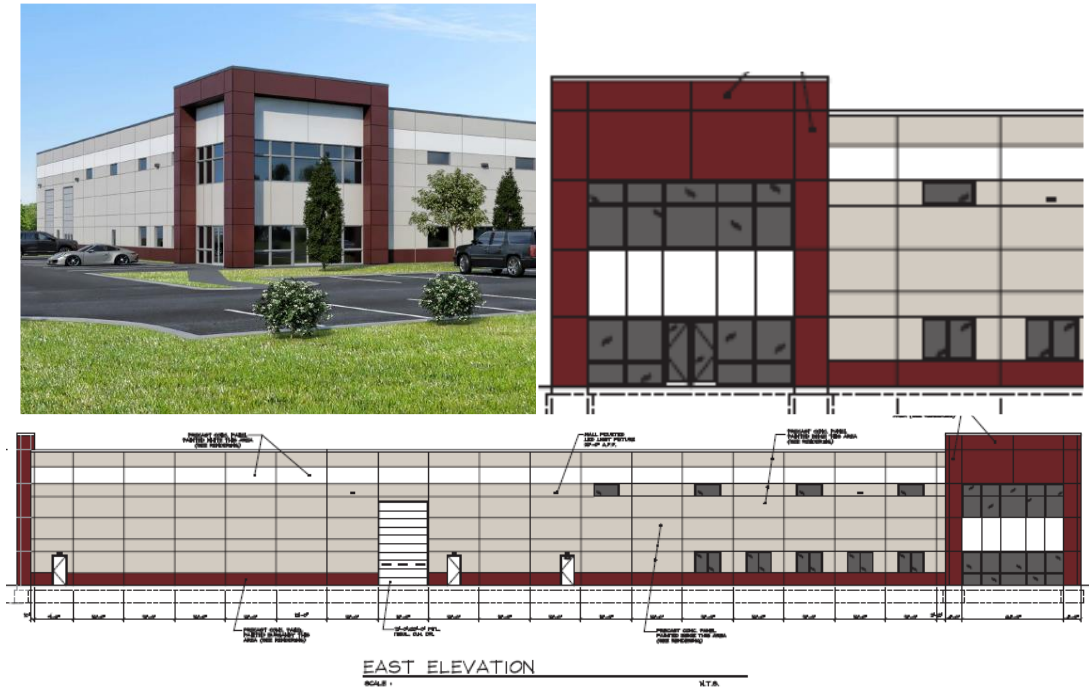


Lastly, there is some clarification needed between the 2D drawings and 3D renderings:

1. Top Panel Color - With clarifying colors of the top panels in the architectural element area. The 2D plans show red with the 3D rendering showing white/cream color matching the band around the top of the building.
2. Offset Architectural Areas - Clear indication of what areas are to be raised/offset away from the building. This appears flat on the 2D plans. A note or indication with a thicker line where there is an offset is helpful.
3. East Overhead Doors - 2D plans show one overhead door on the east elevation, with the 3D rendering showing two overhead doors.

Plans were revised to keep consistent with the above noted items and as explained in the Workshop. A revised rendering will keep consistent between the 2D and 3D renderings.

Open Item #6: Petitioner to provide clarity on differences between 2D color drawings and 3D renderings.



SIGNAGE

The existing ground sign on the 8231-33 185th Street will be reused by Atlas Putty with a panel change. The sign is non-conforming due to the lack of a solid base matching the principal structure materials and design and will need to be replaced in the future with a conforming sign or base if any structural elements require replacement. However, the sign is low in profile, in good structural conditions, and similar to other ground signage in the area. Landscaping that is required at the base will be replaced per the proposed Landscape Plan.



Specific Wall signage has not been proposed but will need to comply with the Section IX (Signs) of the Zoning Ordinance or request a variation/exception separately. It is noted that wall signs facing I-80 are permitted to be larger than typical wall signs in the M-1 zoning district to allow for some visibility from the expressway. However, only one wall sign is still permitted per elevation, and the size and location of the signs may be impacted by the architectural design of the building.

PARKING

Parking requirements are always an inexact science, and this is particularly noticeable on industrial buildings which have a wide range of users and a wide range of parking and truck access needs. The concern is that by over requiring parking, it can lead to a less desirable and useful site with unused pavement area. On the other hand, developments designed so specifically to a user with parking or docking needs, leaves limited reuse of the building. The goal is usually to hit somewhere in the middle where it is not too uniquely design for a specific user but allows them some flexibility for their proposed operation.

The Zoning Ordinance requires the following for warehouse uses: "One (1) space for each two (2) employees, plus one (1) space for each vehicle used in the conduct of the enterprise". The Petitioner has noted they only require a maximum of 30 spaces for the employees that work at this location. However, to ensure they have flexibility of the parking supply as Atlas Putty grows at this property and the neighboring sites (and for any future tenants/owners), a total of 84 parking spaces is proposed. The total complies with the Zoning Ordinance and appears sufficient for current and most future users of the space.

LIGHTING

Lighting is proposed to be downcast, full-cutoff fixtures, mounted on poles in the parking lot. The lighting is compliant with the lighting regulations for the fixture and minimum/maximum lighting levels. The Photometric plan and lighting cutsheets are attached to the packet.

FINAL PLAT OF SUBDIVISION

The two existing lots are proposed to be resubdivided through approval of a Final Plat of Subdivision that alters the lot configuration to accommodate the proposed development. Appropriate easements are being recorded for cross-access (shared drive with the property to the west), and public utilities as part of the final plat approval. Additionally, a utility easement will need to be vacated where the new building is proposed, with new utility easements proposed at the new western property line. The vacation will need to be approved by any utilities located within the easement.

As with most plats, they are subject to minor changes as utilities or other items are reviewed. The Plat is still subject to final review, changes, and approval by the Village Engineer or Village Attorney prior to recording, and a standard condition clarifying that is recommended

~~**Open Item #7: Review the Final Plat of Subdivision and recommended condition of approval for final engineering and attorney review.**~~

STANDARDS FOR A SPECIAL USE

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;
 - *The lot changes and new building are safe for the public and employees by meeting all building and life safety code requirements.*
- 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;
 - *The building addition and site changes do not affect neighboring property enjoyment or impair property values. Surrounding properties have similar buildings and uses.*
- 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;
 - *Neighboring properties are already developed with similar building styles and uses, and the lot changes proposed will not negatively affect any future development or redevelopment of the neighboring properties.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
 - *The area is already developed with adequate utilities and drainage facilities; the overall development will be engineered and designed to support the new addition accordingly.*
- 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
 - *Site circulation is designed to allow for safe circulation by trucks, employees, and the public both on-site and off-site.*
- 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.
 - *All other Village code requirements not addressed with the Substantial Deviation will be met.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
 - *The proposed new building allows for an existing successful business to continue to grow and employ additional people in Tinley Park, while also adding more property value to the community.*

STANDARDS FOR SITE PLAN & ARCHITECTURAL APPROVAL

Section III.T.2. of the Zoning Ordinance requires that the conditions listed below must be met and reviewed for Site Plan approval. Specific findings are not required but all standards shall be considered to have been met upon review from the Plan Commission.

Architectural

- a. **Building Materials:** The size of the structure will dictate the required building materials (Section V.C. Supplementary District Regulations). Where tilt-up or pre-cast masonry walls (with face or thin brick inlay) are allowed vertical articulation, features are encouraged to mask the joint lines. Concrete panels must incorporate architectural finishes that comply with “Building Articulation” (Section III.U.5.h.) standards. Cast in place concrete may be used as an accent alternate building material (no greater than 15% per façade) provided there is sufficient articulation and detail to diminish it’s the appearance if used on large, blank walls.
- b. **Cohesive Building Design:** Buildings must be built with approved materials and provide architectural interest on all sides of the structure. Whatever an architectural style is chosen, a consistent style of architectural composition and building materials are to be applied on all building facades.
- c. **Compatible Architecture:** All construction, whether it be new or part of an addition or renovation of an existing structure, must be compatible with the character of the site, adjacent structures and streetscape. Avoid architecture or building materials that significantly diverge from adjacent architecture. Maintain the rhythm of the block in terms of scale, massing and setback. Where a development includes outlots they shall be designed with compatible consistent architecture with the primary building(s). Site lighting, landscaping and architecture shall reflect a consistent design statement throughout the development.
- d. **Color:** Color choices shall consider the context of the surrounding area and shall not be used for purposes of “attention getting” or branding of the proposed use. Color choices shall be harmonious with the surrounding buildings; excessively bright or brilliant colors are to be avoided except to be used on a minor scale for accents.
- e. **Sustainable architectural design:** The overall design must meet the needs of the current use without compromising the ability of future uses. Do not let the current use dictate an architecture so unique that it limits its potential for other uses (i.e. Medieval Times).
- f. **Defined Entry:** Entrance shall be readily identifiable from public right-of-way or parking fields. The entry can be clearly defined by using unique architecture, a canopy, overhang or some other type of weather protection, some form of roof element or enhanced landscaping.
- g. **Roof:** For buildings 10,000 sf or less a pitched roof is required or a parapet that extends the full exterior of the building. For buildings with a continuous roof line of 100 feet or more, a change of at least five feet in height must be made for every 75 feet.
- h. **Building Articulation:** Large expanses of walls void of color, material or texture variation are to be avoided. The use of material and color changes, articulation of details around doors, windows, plate lines, the provision of architectural details such as “belly-bands” (decorative cladding that runs horizontally around the building), the use of recessed design elements, exposed expansion joints, reveals, change in texture, or other methods of visual relief are encouraged as a means to minimize the oppressiveness of large expanses of walls and break down the overall scale of the building into intermediate scaled parts. On commercial buildings, facades greater than 100 feet must include some form of articulation of the façade through the use of recesses or projections of at least 6 inches for at least 20% of the length of the façade. For industrial buildings efforts to break up the long façade shall be accomplished through a change in building material, color or vertical breaks of three feet or more every 250 feet.
- i. **Screen Mechanicals:** All mechanical devices shall be screened from all public views.

- j. **Trash Enclosures:** Trash enclosures must be screened on three sides by a masonry wall consistent with the architecture and building material of the building it serves. Gates must be kept closed at all times and constructed of a durable material such as wood or steel. They shall not be located in the front or corner side yard and shall be set behind the front building façade.

Site Design

- a. **Building/parking location:** Buildings shall be located in a position of prominence with parking located to the rear or side of the main structure when possible. Parking areas shall be designed so as to provide continuous circulation avoiding dead-end parking aisles. Drive-through facilities shall be located to the rear or side of the structure and not dominate the aesthetics of the building. Architecture for canopies of drive-through areas shall be consistent with the architecture of the main structure.
- b. **Loading Areas:** Loading docks shall be located at the rear or side of buildings whenever possible and screened from view from public rights-of-way.
- c. **Outdoor Storage:** Outdoor storage areas shall be located at the rear of the site in accordance with Section III.O.1. (Open Storage). No open storage is allowed in front or corner side yards and are not permitted to occupy areas designated for parking, driveways or walkways.
- d. **Interior Circulation:** Shared parking and cross access easements are encouraged with adjacent properties of similar use. Where possible visitor/employee traffic shall be separate from truck or equipment traffic.
- e. **Pedestrian Access:** Public and interior sidewalks shall be provided to encourage pedestrian traffic. Bicycle use shall be encouraged by providing dedicated bikeways and parking. Where pedestrians or bicycles must cross vehicle pathways a cross walk shall be provided that is distinguished by a different pavement material or color.

MOTIONS TO CONSIDER

If the Plan Commission wishes to act on the Petitioner's requests, the appropriate wording of the motions are listed below. The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal. By making a motion, it does not indicate a specific recommendation in support or against the plan. The Commission may choose to modify, add, or delete from the recommended motions and any recommended conditions.

Motion 1 (Special Use for Substantial Deviation):

"...make a motion to recommend that the Village Board grant a Special Use for a Substantial Deviation from the Northstar Business Center PUD and Exceptions from the Zoning Ordinance to the Petitioner, Steve Vernon of Vernon Development Inc., on behalf of Atlas Putty Products Co., to permit changes to the approved Lots and to permit the redevelopment of the property located at 8301 185th Street in the M-1 PD (General Manufacturing, Northstar Business Center PUD) zoning district, in accordance with the plans submitted and listed herein and adopt Findings of Fact as proposed by Village Staff in the Staff Report, subject to the following conditions:

1. *Approval is subject to final engineering plan review and approval.*
2. *Approval is subject to the approval of the Final Plat by the Village Board and recording of the Plat with the County Recorder of Deeds prior to issuance of any permits."*

Motion 2 (Site Plan/Architecture):

"...make a motion to grant the Petitioner, Steve Vernon of Vernon Development Inc., on behalf of Atlas Putty Products Co., Site Plan and Architectural Approval to construct an approximately 87,267 sq. ft. industrial warehouse development on the property located at 8301 185th Street in the M-1 PD (General Manufacturing, Northstar Business Center PUD) zoning district, in accordance with the plans submitted and listed herein and subject to the following conditions:

1. *Site Plan Approval is subject to the approval of the Special use for a PUD Deviation and Final Plat by the Village Board.*
2. *Site Plan Approval is subject to final engineering plan review and approval.*

Motion 3 (Final Plat):

"...make a motion to recommend that the Village Board grant approval to the Petitioner, Steve Vernon of Vernon Development Inc., on behalf of Atlas Putty Products Co., Final Plat Approval for the Atlas Putty Subdivision dated March 22, 2022, subject to the condition that the Plat is subject to final review and approval by the Village Engineer and Village Attorney prior to recording."

LIST OF REVIEWED PLANS

Submitted Sheet Name		Prepared By	Date On Sheet
4pgs	Application and Standard Responses	Petitioner	1/10/22
2pgs	Project Narrative - Vernon	Petitioner	1/25/22
3pgs	Architectural Plans – Atlas Putty Products Company	Adsir Architects	N/A
3pgs	Architecture 3D Renderings	Adsir Architects	N/A
2pgs	Landscape Plan	J.G.S. Landscape Architects	4/9/22
13pgs	Engineering Improvement Plans	KDC Consultants, Inc.	4/4/22
2pgs	Plat of Subdivision – Atlas Putty Subdivision	KDC Consultants, Inc.	3/22/22
8pgs	Lighting Photometric Plan & Fixture/Pole Cutsheets	KSA Lighting and Controls	4/5/22



January 25, 2022

Village of Tinley Park
16250 Oak Park Ave.
Tinley Park, IL 60477

RE: Approximately 87,267 sq/ft Precast Concrete Warehouse Building

To whom this may concern,

Atlas Putty Products wishes to expand their operations in Tinley Park, IL. They currently exist in two (2) buildings in Tinley Park with their Headquarters being at 8351 W. 185th St. which is an 87,000 sq/ft Office and Manufacturing Facility, currently sitting on 9.62 acres. Their second location is at 8301 W. 183rd St., which will be expanding in a separate Application. In addition to the two (2) facilities in Tinley Park and because of their recent growth, they have been forced to Lease an additional 35,000 sq/ft in Mokena, IL. In an effort to alleviate their space shortfalls, Atlas Putty would like to build a new 87,267 sq/ft facility. Atlas Putty has been in Tinley Park since 1994 and have seen significant growth since.

Atlas Putty Products Company is a leader in providing turn-key contract filling, toll manufacturing, and chemical compounding. Serving the Industrial, Commercial and Consumer markets since 1949. Their areas of expertise include "Do It Yourself" Patch and Repair products, Sealants and Adhesives, Paints and Coatings, and Specialty OEM Compounds. Additionally, Atlas Putty has experience in Automotive Care and Janitorial/Housekeeping. They serve mid to large size manufacturers, including divisions of Fortune 500 companies. The Atlas Putty team also provides contract manufacturing services for companies that wish to outsource all or some of their own production.

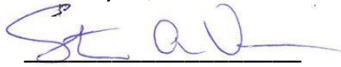
The Atlas Putty Headquarters currently sits on the Western portion of the 9.62 acres mentioned above with the balance of the property, approximately 4 acres and currently vacant, previously built out as a future pad site for expansion. Atlas Putty would now like to build a new, third location immediately adjacent and to the East of their current facility on 185th St. The approximate street address would be 8321 W. 185th. In order to achieve this, we are asking that the current 9.62 acres be sub-divided into Parcel 1, Parcel 2 and Outlot A. This would make Parcel 1, their current Headquarters, Parcel 2 will be the site of the new 87,267 sq/ft building and Outlot A will be used to handle the required detention. Unfortunately, the new Parcel 2 alone is just not large enough to meet the needs that Atlas Putty envisions for their third building. Because of that, they have acquired the adjacent property at 8231 W. 185th St. This site is 2.28

acres and currently houses a small Office/Industrial building. It is the intent to demolish this smaller building, leaving a vacant lot.

It is our hope to consolidate this vacant lot with our new Parcel 2, creating a single, L-shaped parcel of approximately 5.19 acres. Please see Plat of Subdivision and Consolidation provided. On the new, consolidated Parcel 2, we hope to build the new, precast manufacturing facility as shown in the attached Site Plan and Renderings. This new facility should provide adequate space for Atlas Putty's ventures well into the future.

The submittal package for this project is attached and a contract for the landscaping plan has been assigned and will be submitted as soon as it is available. It is our hope that both projects will receive approval this Spring and we will immediately move into construction with a goal of completion by early Spring of 2023.

Thank you,

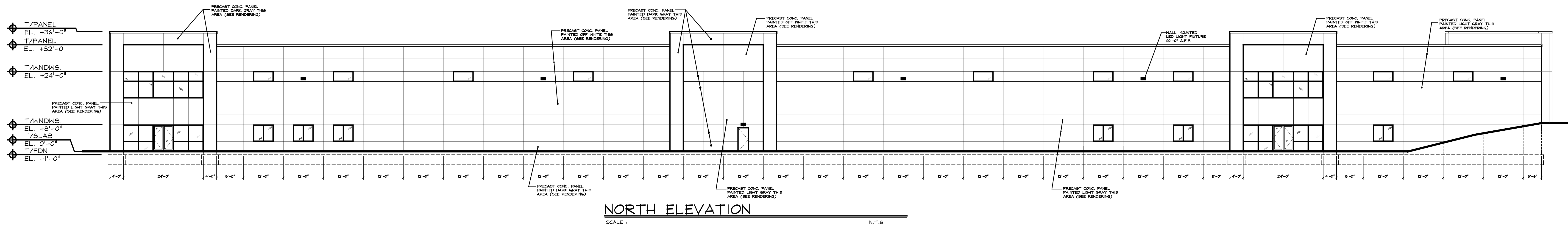


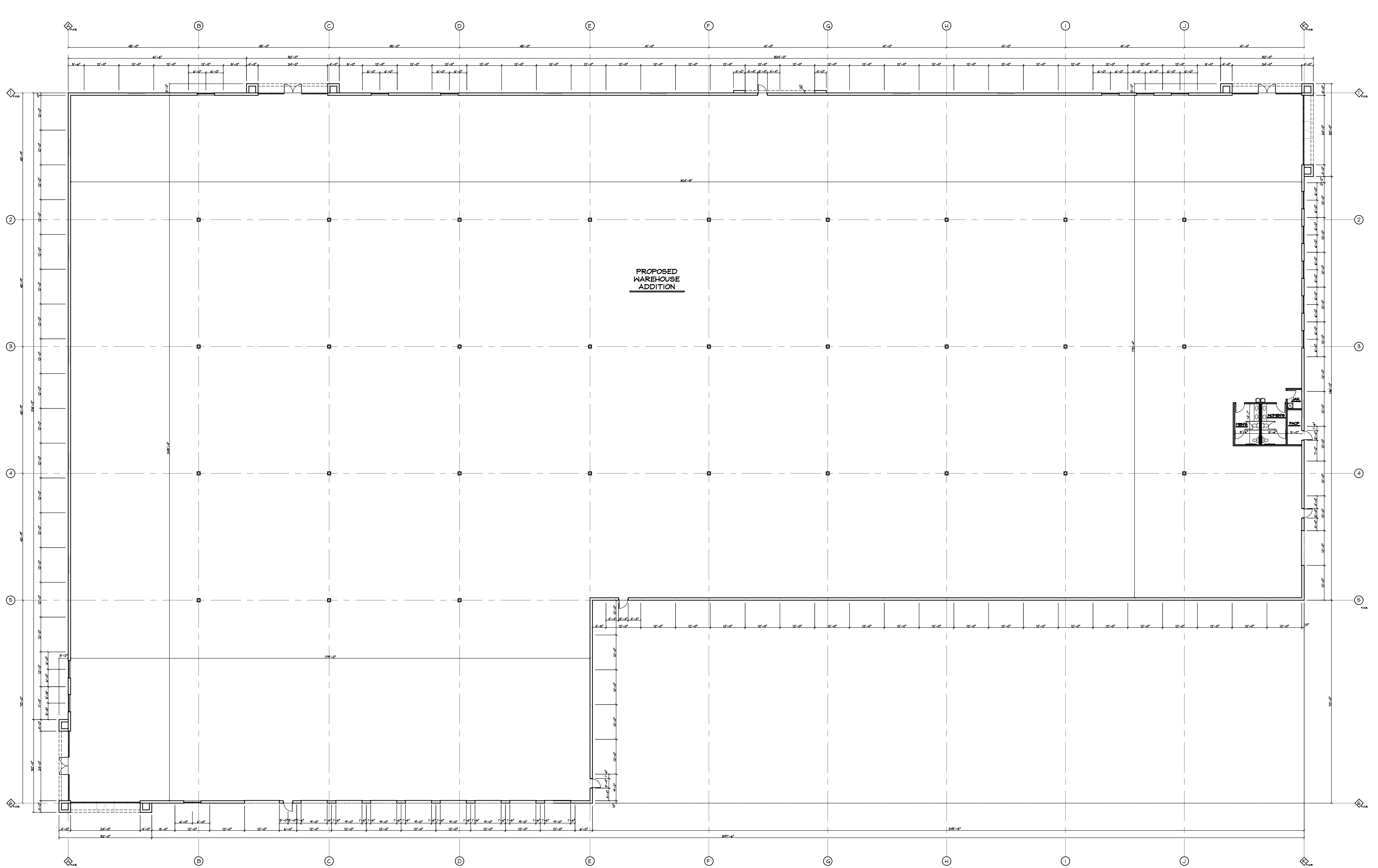
Steven Vernon

President – Vernon Development, Inc.

18670 Graphics Dr. – STE 202

Tinley Park, IL 60477

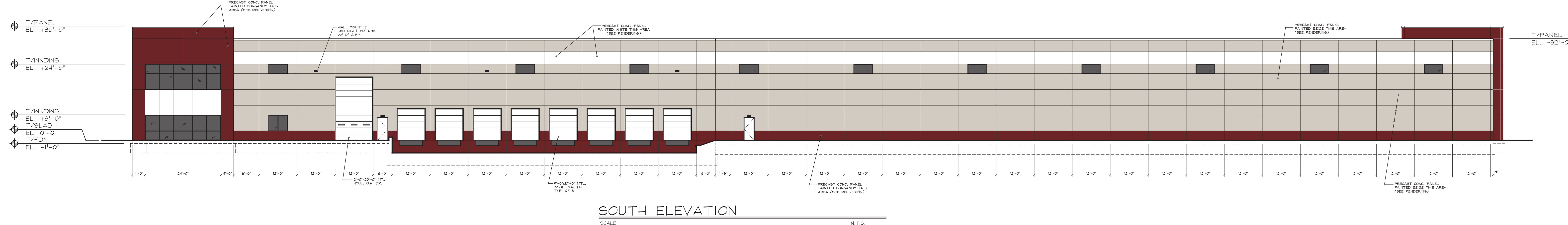
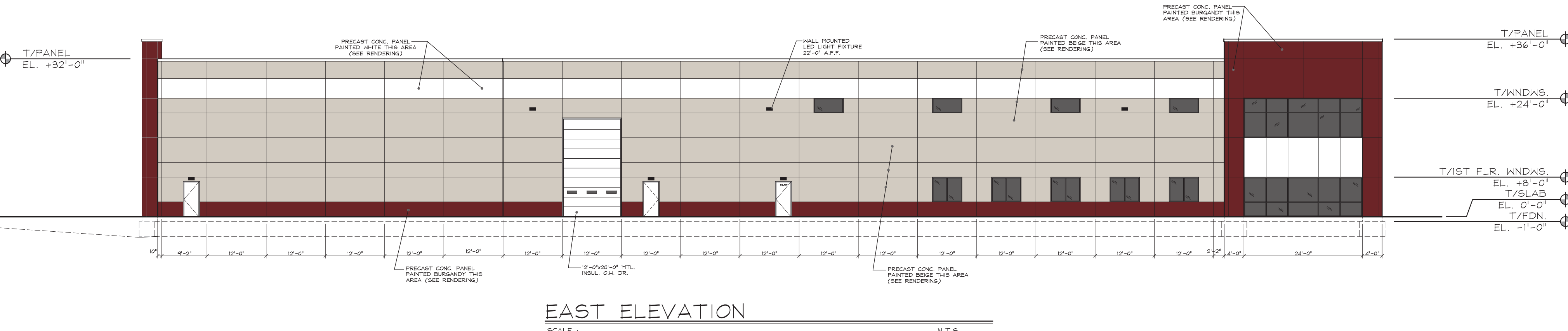
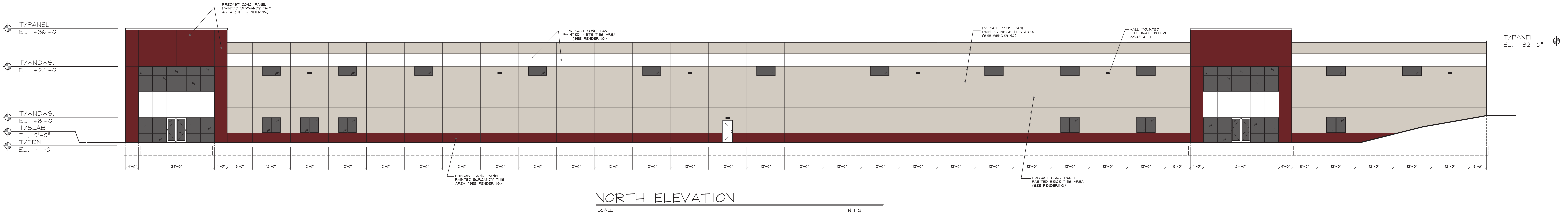
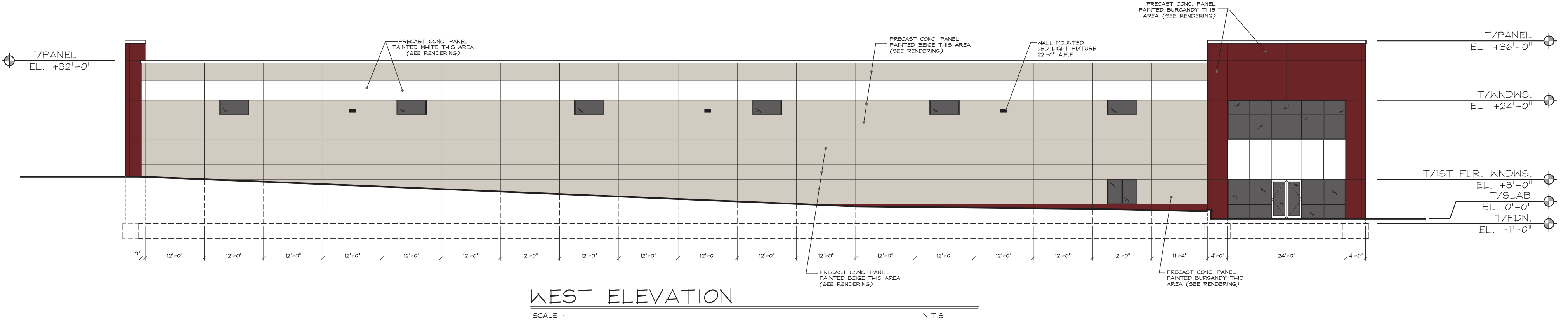




 **PROPOSED FLOOR PLAN LAYOUT**
SCALE : N.T.S.

ATLAS PUTTY PRODUCTS COMPANY

185TH STREET, TINLEY PARK, IL.



185TH STREET, TINLEY PARK, IL.

PROPERTY ZONING: M-1 GENERAL MANUFACTURING

BUILDING USE: F-1 MODERATE - HAZARD
FACTORY INDUSTRIAL

SITE AREA: 274,145 S.F.

PERVIOUS: $\pm 116,008$ S.F. (42.3%)

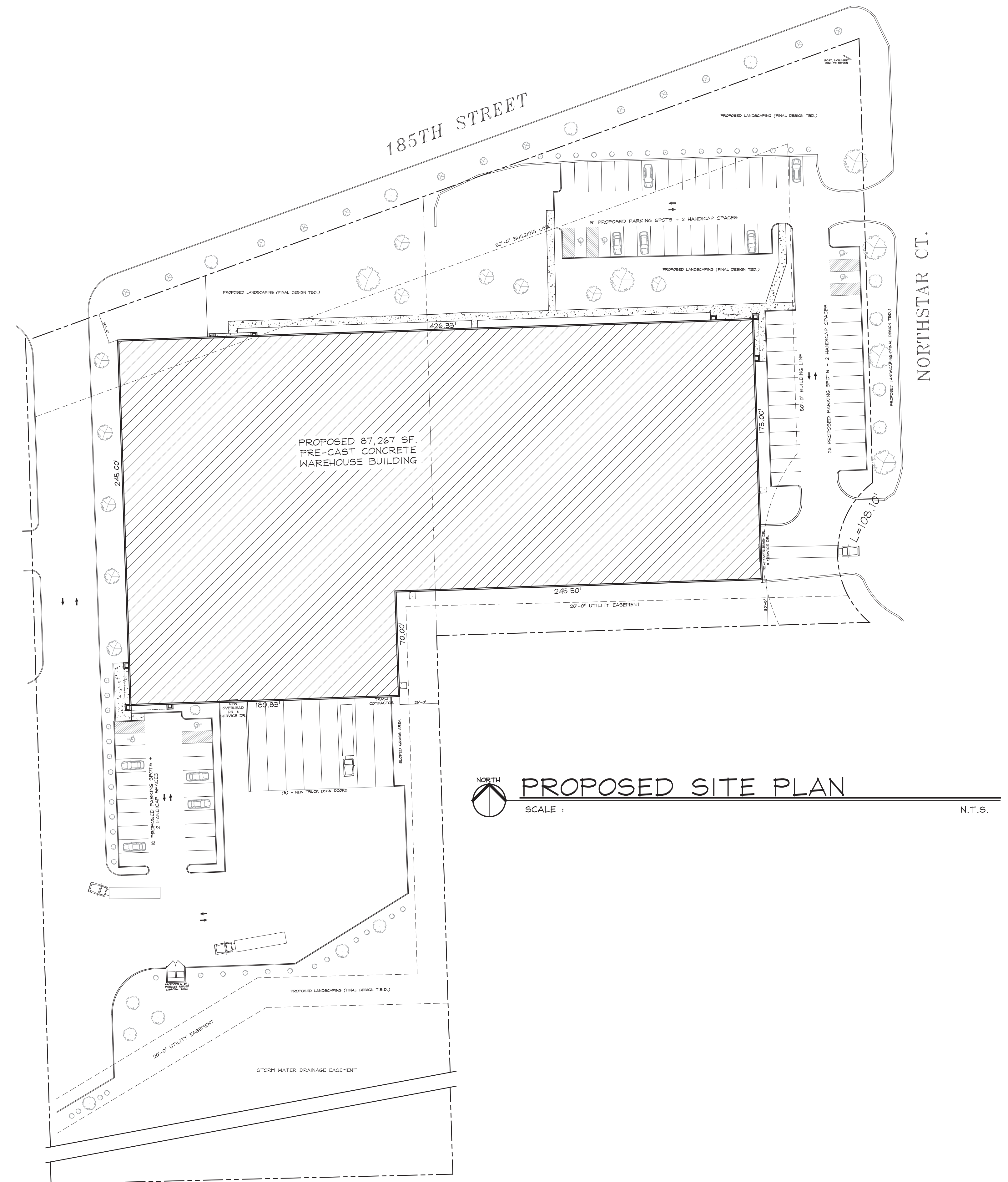
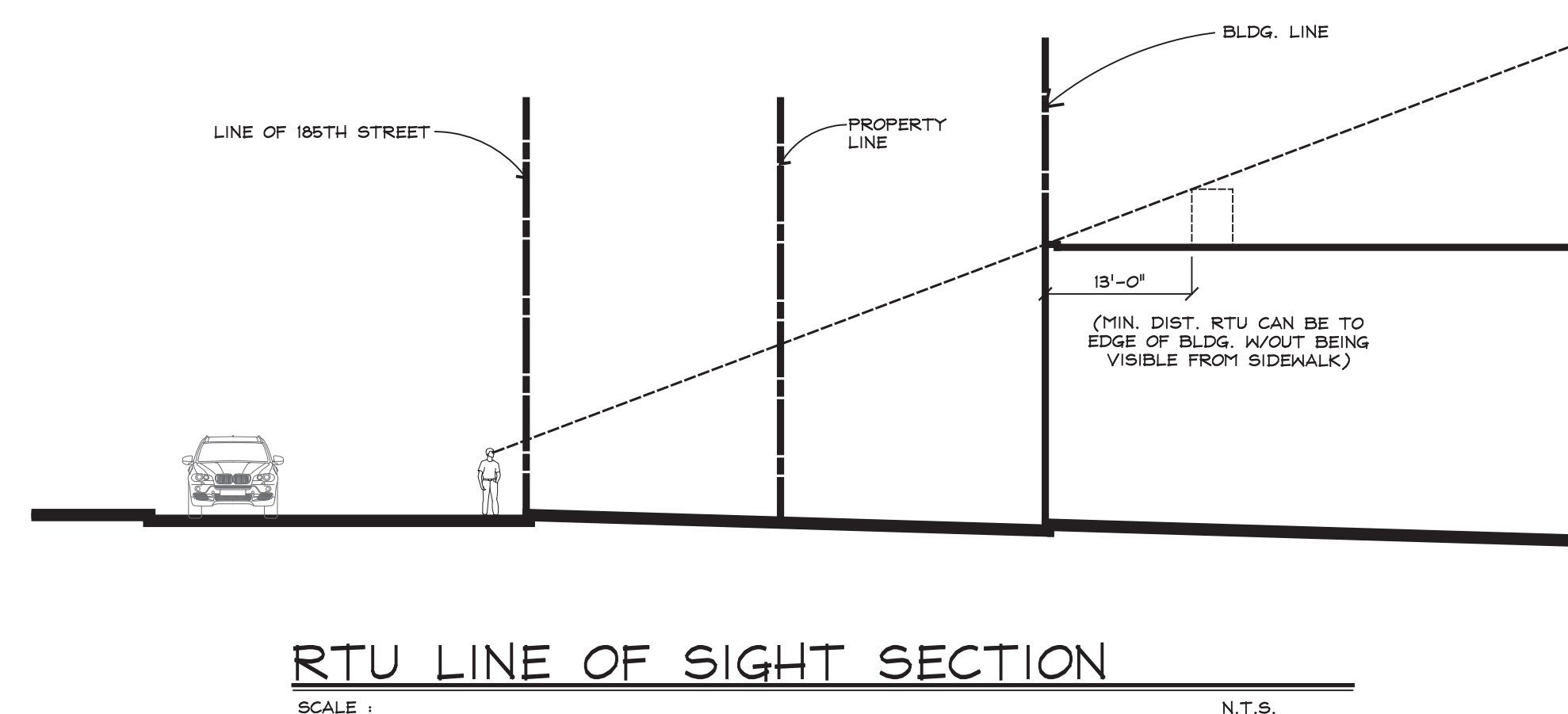
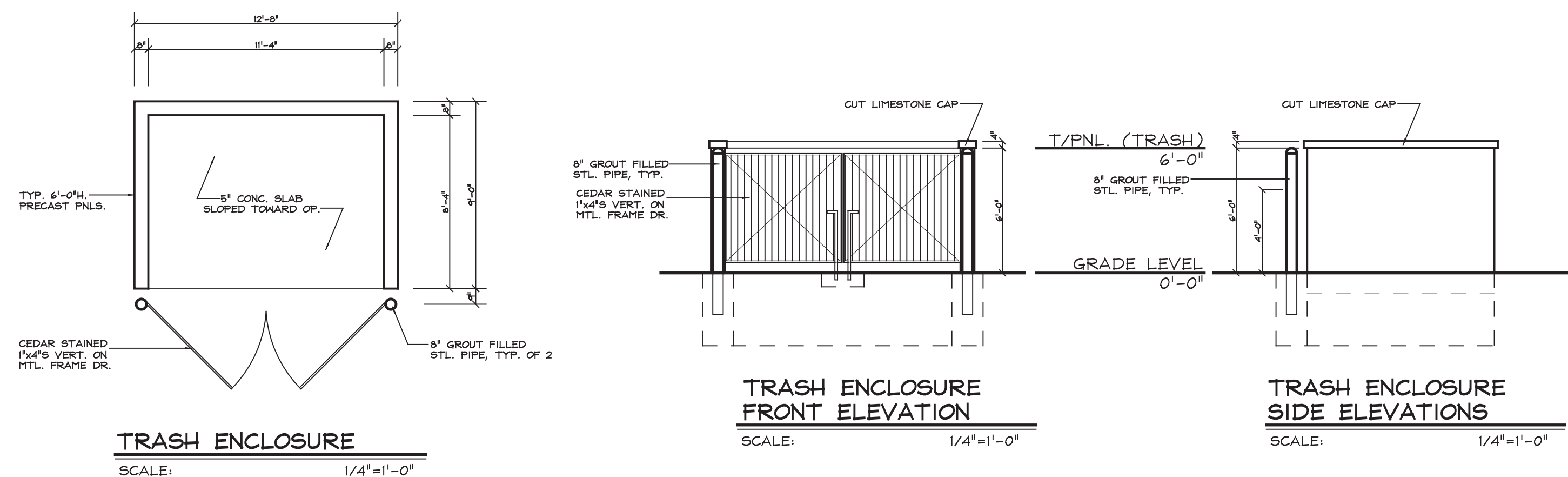
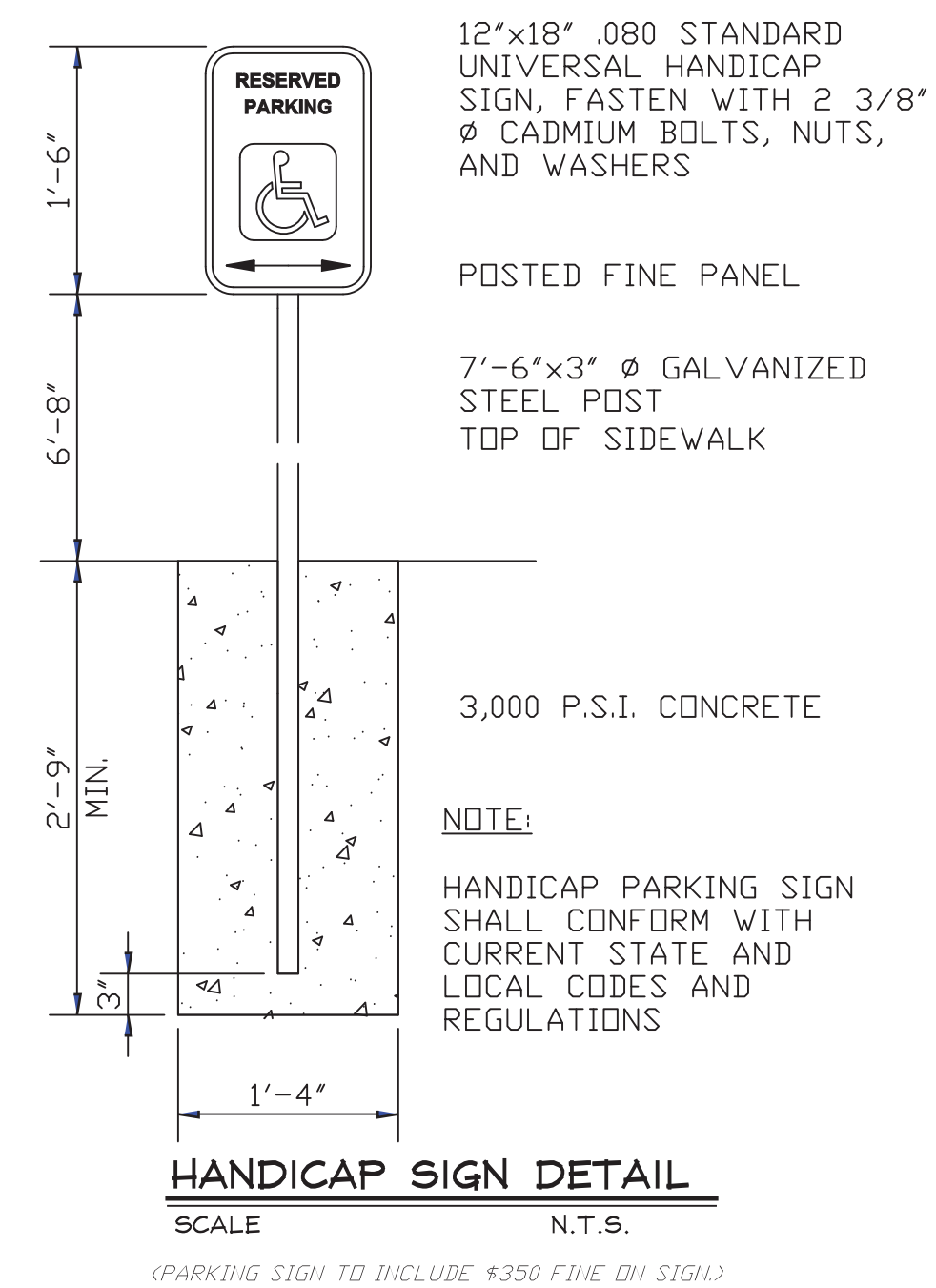
IMPERVIOUS: $\pm 70,870$ S.F. (25.8%)

BUILDING AREA: 87,267 S.F.

F.A.R.: 31.9%

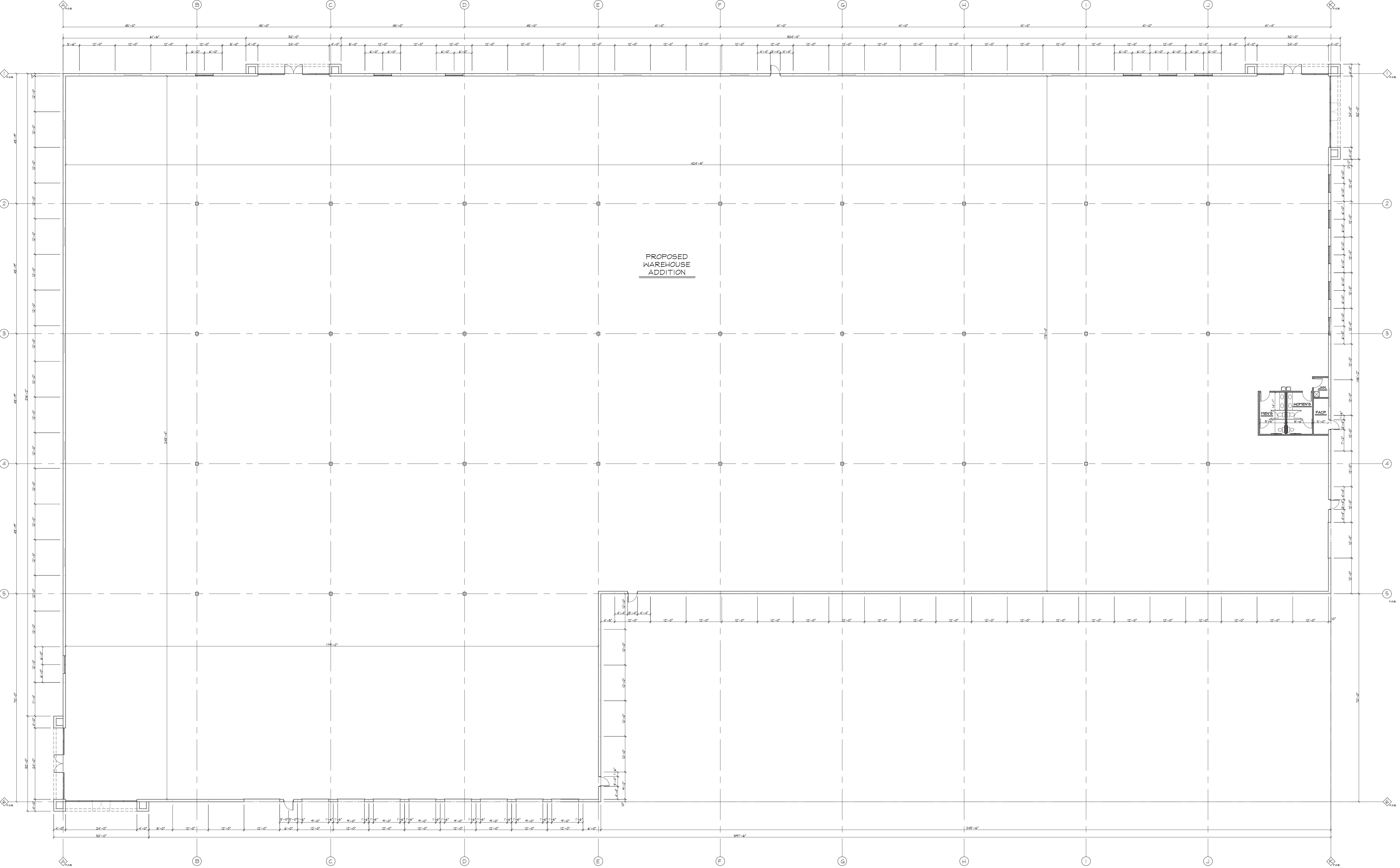
PARKING PROVIDED: 6 HANDICAPPED + 75 STANDARD =
84 SPACES TOTAL (1/900 S.F. GROSS)

DESIGN OCC. LOAD: 30 EMPLOYEES MAX. (REPORTED BY OWNER)



ATLAS PUTTY PRODUCTS COMPANY

185TH STREET, TINLEY PARK, IL.



 PROPOSED FLOOR PLAN LAYOUT
SCALE: 1" = 12'-0" N.T.S.

ATLAS PUTTY PRODUCTS COMPANY

8301 W. 183RD STREET, TINLEY PARK, IL.









OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 35 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

PIN: 09-02-200-028
PIN: 09-02-201-001



ATLAS PUTTY PRODUCTS CO.

PREPARED BY:

KDC CONSULTANTS INC.

WWW.KDCCONSULTANTSINC.COM

16144 S. BELL ROAD

(708) 645-0545 Fax: 645-0546

PAGE 1 OF 2

PAGE 1 OF 2

Petitioner

Paul Spass

Property Location

9260 Pleasant Avenue

PIN

19-09-031-02018-0000

Zoning

R-2 (Single Family
Residential)

Approvals Sought

Variation

Project Planner

Lori Kosmatka
Associate Planner

PLAN COMMISSION STAFF REPORT

May 19, 2022 – Public Hearing

Paul Spass – Residential Single-Family Masonry Variation

9260 Pleasant Avenue



EXECUTIVE SUMMARY

The Petitioner, Paul Spass (Property Owner), is requesting a masonry Variation from Section V.C.4.B. of the Zoning Ordinance to permit a new residential home to be constructed without the required full first floor masonry on the property at 9260 Pleasant Avenue in the R-2, Single-Family Residential Zoning District.

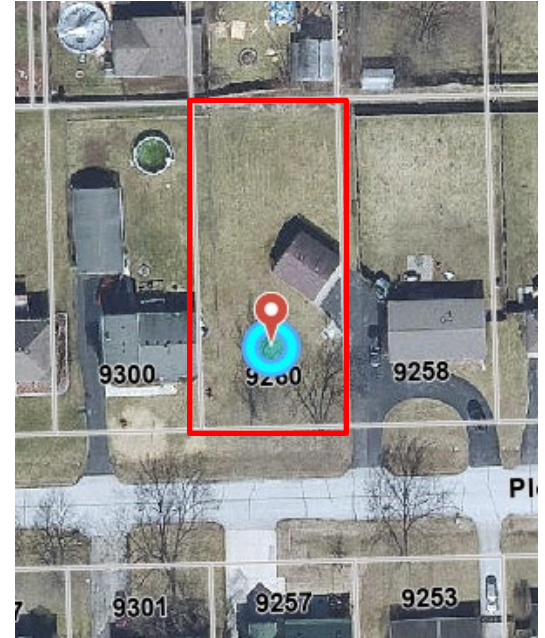
The Village Board adopted code changes that moved the masonry requirements from the Building Code to the Zoning Ordinance in December 2019. Residential masonry requirements were maintained as they were in the building code, which requires face brick or stone to be installed on the first floor of all residential buildings.

The Petitioner is proposing to construct a new house on a vacant lot. He requested the Variation due to the intended architectural design and to fit in with the neighborhood's varying use of residential building materials on existing homes. The home is located in an older developed subdivision that was originally developed under Will County jurisdiction and annexed in 1997.

EXISTING SITE & HISTORY

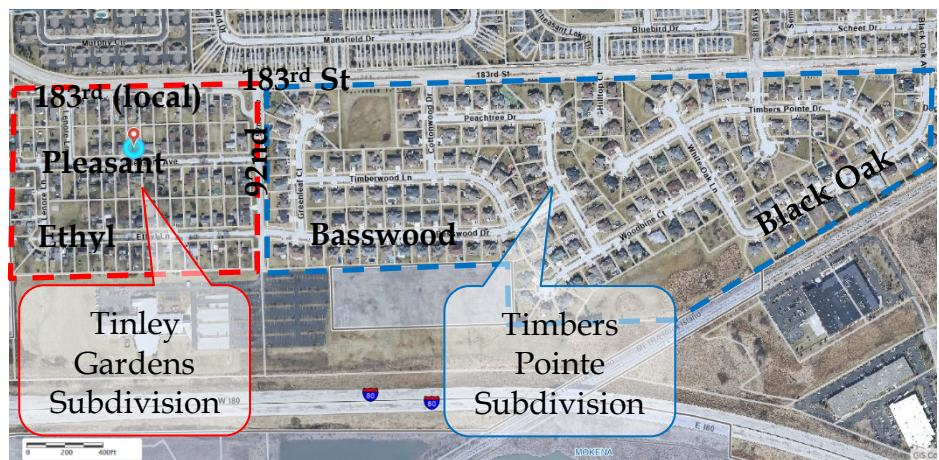
The subject lot is 11,767 square feet in size (71.75 ft. wide and 164 ft. deep). The existing lot is nonconforming to the typical R-2 standards (minimum lot area of 13,000 square feet and minimum lot width of 90 feet), but was granted a variation along with other lots in the subdivision upon its annexation for any non-conforming zoning bulk regulations. The lot currently has a detached garage and a portion of a driveway existing on the east side of the property that was previously used by the neighboring lot (9258 Pleasant Ave). The accessory structure is currently non-conforming without a principal structure and use, but is proposed to be demolished with this new development.

The home is located in an older area west of 92nd Avenue and south of 183rd Street within the Tinley Gardens Subdivision. This area was previously under Will County jurisdiction and annexed in 1997 (Ord. # 97-O-073). The lots are relatively narrow and long compared to more modern subdivisions, such as the Timbers Pointe development east of 92nd Avenue. Homes in the Tinley Gardens neighborhood vary greatly in size, architectural style, age, and building materials due to a number of lot redevelopments over the years.



CODE BACKGROUND & ZONING

The Village Board adopted code changes that moved the masonry requirements from the Building Code to the Zoning Ordinance in December 2019. The commercial masonry requirements were revised to maintain high architectural standards, but to allow for some additional flexibility use newer materials (precast concrete, fiber cement board, etc.) Residential masonry requirements were maintained at the previously existing level required in the building code, which requires face brick or stone to be installed on the full first floor of all residential buildings.



Neighborhoods Map

Previously, all “masonry waivers” went to the Community Development Committee since it was under the purview of the Comprehensive Building Code. Since masonry and exterior architectural requirements are now located in the Zoning Ordinance, a Variation of the masonry requirements is reviewed by Plan Commission depending on the circumstance. The Residential Masonry Requirements are located in Zoning Code Section V.C.4.B.:

“In all single-family detached, single-family attached, townhomes, and in all singlefamily semi-detached dwellings, exterior walls shall be constructed of face brick or decorative stone. Said construction shall commence from the finished grade and shall extend to the uppermost portion of the first story of such dwellings.”

The properties to the north, south, and west within Tinley Gardens are all zoned R-2, Single-Family Residential and located in the same subdivision. Along Pleasant Avenue, all the properties have existing single-family homes located on them, apart from three vacant lots. Shown below are images of adjacent single-family properties that are referenced on the map.

VARIATION REQUEST

The Petitioner is proposing to construct a new two-story single-family home with the majority of the exterior utilizing vinyl siding, and architectural shingles. A small portion of the front façade will utilize brick which will wrap entirely around the base of the structure. The brick is proposed to be installed four feet in height to the bottom of the first floor window sills. The Petitioner has indicated they are looking to create a modern style house that does not traditionally utilize large amounts of brick, which has been noted in recent developments in Plainfield, Naperville, & New Lenox. The Petitioner's narrative states this partial band of brick is in keeping with the current times, and he prefers it so that the two stories do not appear to be two stories stacked on top of each other with two different materials. The Petitioner also notes the inconsistencies of exterior finishes in the neighborhood's existing homes allow for an acceptance of this variance modification requested. Originally the partial brick was only proposed on the front elevation, however after discussions with staff, it was agreed to wrap the building with the proposed brick as required by the code as well.



Proposed Front Elevation



Proposed Front Rendering

The traditional Standards for a Variation are difficult to apply in regards to Variations that concern architectural design in older subdivisions. While there are no specific standards set for residential architectural requests, it is useful to look at the context of the neighborhood similar to some of the standards set for commercial architectural plan reviews. The three most relevant standards used are listed below:






Examples of Partial Brick New Construction provided by Petitioner (L) Naperville, (R) Plainfield

- Compatible Architecture – Is the new structure and proposed materials compatible with neighboring properties and the surrounding neighborhood's existing housing stock?
- Proposed Building Materials – Are the proposed materials of high-quality and durability? Do the proposed materials negatively affect the homes attractiveness or future marketability?
- Cohesive Building Design – Do the proposed materials compliment the style and design of the home, or do they detract compared to alternative materials? Do the proposed exterior materials compliment the architectural design and create natural breaks within the façade to transition between materials?

The standard the Village's Community Development Committee traditionally used was to review masonry Variations in context with the existing neighborhood's architecture. This ensures the character and quality of materials within a neighborhood does not degrade over time and that new homes fit in with the existing neighborhood. It is important that the proposed architecture/building materials are not so incongruent with the existing architecture/building material that it devalues existing property. The goal should be that the new "in-fill" development is compatible with the neighborhood, enhances rather than detracts, and will maintain value over time.

The first floor exteriors of homes on this block are mostly vinyl frame with siding and no brick. Of the 29 total homes on the block, only eight have some form of brick. The use of masonry is similar in the overall Tinley Gardens subdivision. The architectural styles are mixed and vary. The Commission may wish to discuss whether they are trying to maintain the integrity of the existing character of the block or whether they wish to transition the neighborhood into a more modern masonry aesthetic.



-  Masonry/brick conforming
-  Some masonry/brick, nonconforming
-  No masonry/brick

Pleasant Avenue Map of Exterior Materials (5/11/22)



#1: 9242 Pleasant (same side of block) - no brick



#2 9258 Pleasant (immediately east)- no brick



#3 9300 Pleasant (immediately west) - no brick



4 #4 9306 Pleasant (same side of block)- brick conforming



#5 9243 Pleasant (opposite side of block) – no brick



#6 9253 Pleasant (opposite side of block) – no brick



#7 9257 Pleasant (directly across street) – no brick



#8 9301 Pleasant (opposite side of block) – no brick



#9 9307 Pleasant (opposite side of block) – some brick

As with all Variations, staff encourages Petitioners to meet the code requirements as closely as possible. The Commission can discuss any alternative solutions that may be more suitable based on the particular situation and neighborhood context.

STANDARDS FOR A VARIATION

Section X.G.4. of the Zoning Ordinance states the Plan Commission shall not recommend a Variation of the regulations of the Zoning Ordinance unless it shall have made Findings of Fact, based upon the evidence presented for each of the Standards for Variations listed below. The Plan Commission must provide findings for the first three standards; the remaining standards are provided to help the Plan Commission further analyze the request. Staff prepared draft responses for the Findings of Fact below, which indicate support for the request. If the Plan Commission wishes to recommend denial, alternative findings will need to be indicated.

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - ***While the property in question can yield a reasonable return if permitted to be used only under the conditions allowed, the design style of the structure and its compatibility to the neighborhood's existing design style are compromised if the code requirements were to be met.***
2. The plight of the owner is due to unique circumstances.
 - ***This is an "in-fill" development and one of four vacant lots on the block and is an existing established neighborhood. The Petitioner must construct a new home that is compatible with the neighborhood. The proposed design is compatible with the surrounding neighborhood's existing exterior materials and architecture.***
3. The Variation, if granted, will not alter the essential character of the locality.
 - ***The existing neighborhood has a large mix of architectural styles and exterior building materials. The proposed materials fit in with the existing neighborhood and the design and quality of the home is not harmed by the reduction in the height of the masonry.***
4. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

MOTION TO CONSIDER

If the Plan Commission wishes to act on the Petitioner's request, the appropriate wording of the motion is listed below. The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal. By making a motion, it does not indicate a specific recommendation in support or against the plan. The Commission may choose to modify, add, or delete from the recommended motions and any recommended conditions.

"...make a motion to recommend that the Village Board grant the Petitioner, Paul Spass, a Masonry Variation from Section V.C.4.B. of the Zoning Ordinance to permit a new single-family home to be constructed with 4' of first floor masonry instead of the required full first floor at the property located at 9260 Pleasant in the R-2 (Single-Family Residential) zoning district consistent with the List of Submitted Plans and adopt Findings of Fact as proposed in the May 19, 2022 Staff Report."

LIST OF REVIEWED PLANS

Submitted Sheet Name		Prepared By	Date On Sheet
	Applicant Application (Redacted)	Applicant	4/21/22
	Applicant Narratives	Applicant	5/5/22, 5/10/22
	Applicant Response to Standards	Applicant	4/21/22
	Applicant Photos of Recent Construction (Naperville & Plainfield)	Applicant	5/5/22
	Detailed Grading Plan (survey)	Martin M. Engineering, Inc.	1/14/22
	Architectural Drawings	IJM Architects	5/4/22
	Color Rendering of Front Elevation	n/a	4/21/22



Village of Tinley Park
Community Development Dept.
16250 S. Oak Park Ave.
Tinley Park, IL 60477
708-444-5100

VILLAGE OF TINLEY PARK, ILLINOIS
PLANNING AND ZONING GENERAL APPLICATION

REQUEST INFORMATION

*Additional Information is Required for Specific Requests as Outlined in Specific Addendums

- ☐ Special Use for: Masonry Modification
- ☐ Planned Unit Development (PUD) ☐ Concept ☐ Preliminary ☐ Final ☐ Deviation
- ☐ Variation ☒ Residential ☐ Commercial for _____
- ☐ Annexation
- ☐ Rezoning (Map Amendment) From _____ to _____
- ☐ Plat (Subdivision, Consolidation, Public Easement) ☐ Preliminary ☐ Final
- ☐ Site Plan
- ☐ Landscape Change Approval
- ☐ Other: _____

PROJECT & PROPERTY INFORMATION

Project Name: 9260 Pleasant

Project Description: vacant lot

Project Address: 9260 pleasant Property Index No. (PIN): 19-09-03-102-018-0000

Zoning District: _____ Lot Dimensions & Area: 71x164

Estimated Project Cost: \$ _____

OWNER OF RECORD INFORMATION

Please supply proper documentation of ownership and/or designated representative for any corporation.

Name of Owner: paul spass Company: _____

Street Address: _____ City, State & Zip: _____

E-Mail Address: _____ Phone Number: _____

APPLICANT INFORMATION

☒ Same as Owner of Record

All correspondence and invoices will be sent to the applicant. If applicant is different than owner, "Authorized Representative Consent" section must be completed.

Name of Applicant: _____ Company: _____

Relation To Project: _____

Street Address: _____ City, State & Zip: _____

E-Mail Address: _____ Phone Number: _____



Village of Tinley Park
Community Development Dept.
16250 S. Oak Park Ave.
Tinley Park, IL 60477
708-444-5100

VILLAGE OF TINLEY PARK, ILLINOIS
PLANNING AND ZONING GENERAL APPLICATION

Authorized Representative Consent

It is required that the property owner or his designated representative be present at all requests made to the Plan Commission and Zoning Board of Appeals. During the course of a meeting, questions may arise regarding the overall project, the property, property improvements, special conditions attached to recommendations among other aspects of any formal request. The representative present must have knowledge of the property and all aspects of the project. They must have the authority to make commitments related to the project and property. Failure to have the property owner or designated representative present at the public meeting can lead to substantial delays to the project approval. If the owner cannot be present or does not wish to speak at the public meeting, the following statement must be signed by the owner for an authorized repetitive.

I hereby authorize _____ (print clearly) to act on my behalf and advise that they have full authority to act as my/our representative in regards to the subject property and project, including modifying any project or request. I agree to be bound by all terms and agreements made by the designated representative.

Property Owner Signature: _____

Property Owner Name (Print): Paul Spass

Acknowledgements

- Applicant acknowledges, understands and agrees that under Illinois law, the Village President (Mayor), Village Trustees, Village Manager, Corporation Counsel and/or any employee or agent of the Village or any Planning and Zoning Commission member or Chair, does not have the authority to bind or obligate the Village in any way and therefore cannot bind or obligate the Village. Further, Applicant acknowledges, understands and agrees that only formal action (including, but not limited to, motions, resolutions, and ordinances) by the Board of Trustees, properly voting in an open meeting, can obligate the Village or confer any rights or entitlement on the applicant, legal, equitable, or otherwise.
- Members of the Plan Commission, Zoning Board of Appeals, Village Board as well as Village Staff may conduct inspections of subject site(s) as part of the pre-hearing and fact finding review of requests. These individuals are given permission to inspect the property in regards to the request being made.
- Required public notice signs will be obtained and installed by the Petitioner on their property for a minimum of 10 days prior to the public hearing. These may be provided by the Village or may need to be produced by the petitioner.
- The request is accompanied by all addendums and required additional information and all applicable fees are paid before scheduling any public meetings or hearings.
- Applicant verifies that all outstanding fees and monies owed to the Village of Tinley Park have been paid.
- Any applicable recapture, impact, engineering, contracted review or other required fees and donations shall be paid prior to issuance of any building permits, occupancy permits, or business licenses.
- The Owner and Applicant by signing this application certify that the above information and all supporting addendums and documentation is true and correct.

Property Owner Signature: _____

Property Owner Name (Print): Paul Spass

Applicant Signature:
(If other than Owner)

Applicant's Name (Print): Paul Spass

Date: 4-21-22

Applicant Narrative for 9260 Pleasant – Masonry Variation

5/5/2022

It's what almost all new developers are doing , the house looks not so broken up and with two different materials stacked on top of each other... many new subdivisions are doing this look as it brings the curb appeal much more appealing and looks more like one home not one stacked on top of each other with two different materials

5/10/2022

I am requesting a variance for Brick only the first 4 feet all the way around the property. This property along with the surrounding community was formally governed by Will County and in doing so there are many different types of homes in the small few block radius. There are homes that are frame vinyl siding, there are homes with partial brick, there are homes with a combination of brick and siding. This area was annexed in to Tinley Park sometime ago. The inconsistencies of exterior finishes in the surrounding neighborhood mixed is a perfect acceptance of this variance modifications. We are looking to take a beautiful look much like some of the other surrounding new construction developments in the areas including Naperville Plainfield new Lenox. This new standard of exterior homes is continuing to grow and rise in many of these communities as these new developments go up you will see just this, homes being built exactly like what we are proposing for this site. The home we have proposed to Village Of Tinley park will be the nicest home in that area I believe variance is definitely sustainable for the area considering the amount of indifferences to all the homes on the street. I hope the village comes together with me on the special request and allows this variance as we continue to move forward in today's days in ages. I think it is crucial that the village of Tinley Park takes a close look at some of the surrounding communities in new developments that is happening in the area and what they are doing to stay current with the times. I look forward to the next meeting thank you for your time
sincerely Paul Spass

STANDARDS AND CRITERIA FOR A VARIATION

Section X.G.1 of the Village of Tinley Park Zoning Ordinance requires that the Zoning Board of Appeals determine compliance with the following standards and criteria. In order for a variance to be approved, the Petitioner must respond to all the following statements and questions related to the Standards with factual evidence and information to support the requested Variation. If additional space is required, you may provide the responses on a separate document or page.

- A. Describe the difficulty that you have in conforming with the current regulations and restrictions relating to your property, and describe how this hardship is not caused by any persons presently having an interest in the property. (Please note that a mere inconvenience is insufficient to grant a Variation). For example, does the shape or size of the lot, slope, or the neighboring surroundings cause a severe problem in completing the project in conformance with the applicable Ordinance requirement?

im asking that in such a mixed neighborhood of homes some with brick most with no brick that

- B. Describe any difficulties or hardships that current zoning regulations and restrictions would have in decreasing your property value compared to neighboring properties.

it would not decrease the value in any way it just looks great and blends in better

- C. Describe how the above difficulty or hardship was created.

its nearly conforming with new updated looks in todays construction world.

- D. Describe the reasons this Variance request is unique to this property only and is not applicable, in general, to other properties within the same Zoning District.

its a blend of whst is going on in this devolopment area. most surrounding sububurd have same

- E. Explain how this Variance would not be regarded as an attempt at financial gain, but only because of personal necessity. For example, the intent of the Variance is to accommodate related living for an elderly relative as opposed to adding an additional income source.

there is no gain financially , its nearly a great look to the community as well as alot of towns are

- F. Describe how granting this Variance request will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood in which the property is located.

N/A

- G. Explain how granting this Variance will not alter the essential charter of the neighborhood or locality.

This new home will be a amazing look combining all neighboring properties to come together. s

H. Describe how the requested Variance will not:

- 1. Impair an adequate supply of light and air to adjacent properties.**

N/A

- 2. Substantially increase the congestion of the public streets.**

N/A

- 3. Increase the danger of fire.**

N/A

- 4. Impair natural drainage or create drainage problems on adjacent property.**

N/A

- 5. Endanger the public safety.**

N/A

- 6. Substantially diminish or impair property values within the neighborhood.**

N/A

Applicant Photos of Recent Construction: Naperville

From: [redacted]
To: [redacted]
Subject: [redacted]
Date: [redacted]

External Message Disclaimer

CAUTION: This email originated from outside of Trinity Health. Do not click links, open attachments or forward unless you recognize the sender and know the content is safe. Please delete or report suspicious emails to the helpdesk at 40807.



Real Estate by Photo

Applicant Photos of Recent Construction: Plainfield



External Message Description

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Send from my iPhone

DETAILED GRADING PLAN

LOT 26 IN TINLEY GARDENS, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 3, IN TOWNSHIP 35 NORTH AND IN RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1959, AS DOCUMENT NO. 888432, IN WILL COUNTY, ILLINOIS.

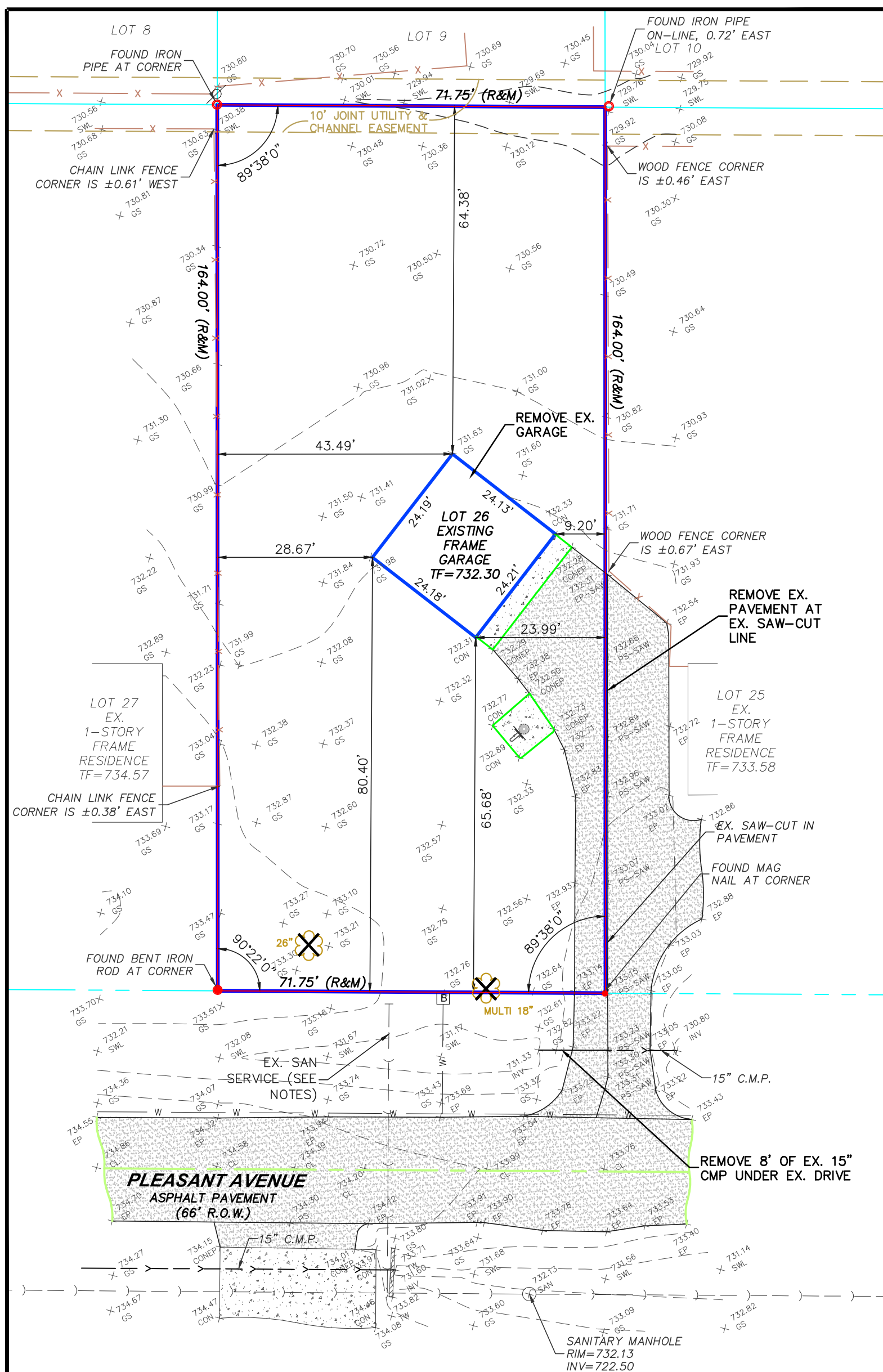
LEGEND FOR OBJECTS

EXISTING	PROPOSED

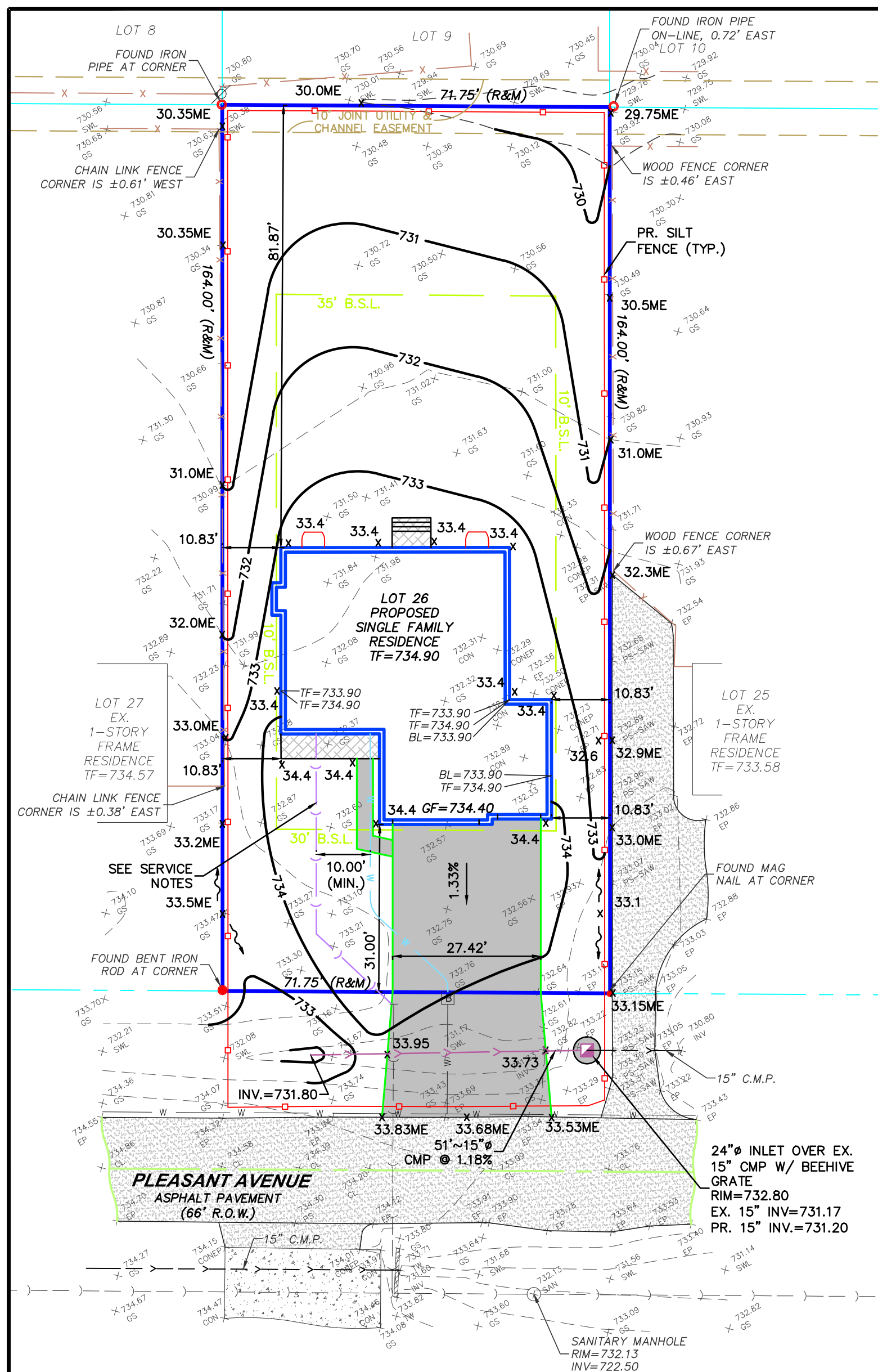
LEGEND FOR SURVEY LINES

	FOUND IRON ROD
	FOUND IRON PIPE
	BOUNDARY LINE
	ADJACENT PROPERTY LINE
	ON-SITE STRUCTURE LINE
	OFF-SITE STRUCTURE LINE
	CENTER LINE
	RIGHT-OF-WAY LINE
	BUILDING SETBACK LINE
	EXISTING EASEMENT LINE

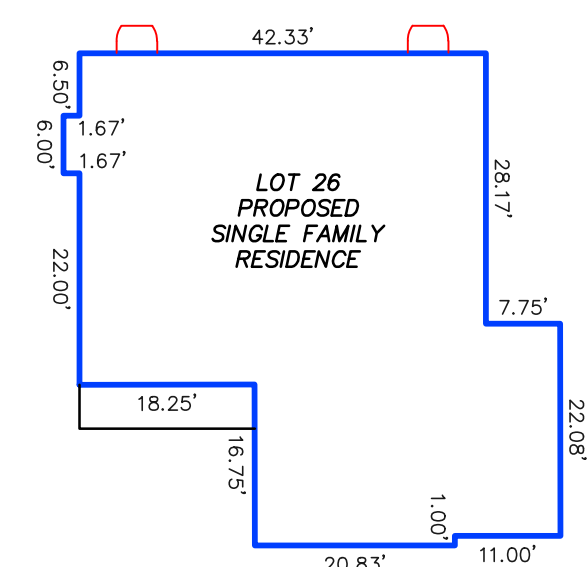
REMOVAL PLAN



PROPOSED PLAN



BUILDING DIMENSIONS:



NOTE: MARTIN M. ENGINEERING, INC. MAKES NO REPRESENTATION AS TO ACCURACY OF THE FOUNDATION DIMENSIONS SHOWN. FOR ACTUAL DIMENSIONS OF HOME, REFER TO FOUNDATION PLAN PREPARED BY OTHERS.

NOTES:

WATER AND SEWER SERVICES
WATER SERVICE TO BE 1" MIN. TYPE K COPPER MIN. DEPTH 5'.

SANITARY SERVICE TO BE 6" SDR 26 PVC MIN. SLOPE OF 1%

THE CONDITION OF THE EXISTING SANITARY AND WATER SERVICES IS UNKNOWN. THE LOCATION OF THE EXISTING SANITARY SERVICE IS ASSUMED AND IT IS CURRENTLY UNKNOWN OF ONE EXISTS. THE CONTRACTOR SHALL HAVE THE EX. SERVICES LOCATED AND INSPECTED BY PUBLIC WORKS PRIOR TO CONNECTING THE PROPOSED SERVICES. IF THE EXISTING SERVICES CAN NOT BE UTILIZED AS DEEMED BY PUBLIC WORKS, THE CONTRACTOR SHALL PROVIDE NEW TAPS TO THE EX. WATERMAIN AND SANITARY SEWER. THE WATER SERVICE SHALL BE CONNECTED WITH A PRESSURE CONNECTION AND A NEW B-BOX PROVIDED IN THE RIGHT-OF-WAY. THE SANITARY SERVICE SHALL BE AUGURED UNDER PLEASANT AVENUE & CONNECTED TO THE MAIN IN AN AREA THAT PROVIDES THE LEAST AMOUNT OF DISTURBANCE IN THE R.O.W. THE CONNECTION TO THE EX. SANITARY MAIN SHALL BE MADE WITH A WYE FITTING AND ALL WATER & SANITARY SEPARATION REQUIREMENTS SHALL BE MAINTAINED.

SANITARY & WATER SERVICES ARE APPROXIMATE AND MUST BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. I

MIN. SEPARATION OF WATER AND SANITARY SERVICES 10'

EROSION CONTROL
TO BE APPLIED PER THE ILLINOIS URBAN MANUAL, LATEST EDITION

CONTRACTOR MUST VERIFY ALL EXISTING CONDITIONS PRIOR TO STARTING CONSTRUCTION TO DETERMINE IF ANY CONFLICTS EXIST, THE DESIGN ENGINEER MUST BE NOTIFIED PRIOR TO START OF CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, CONTRACT, TITLE POLICY, ZONING ORDINANCE, ETC.

FOR UNDERGROUND UTILITY LOCATIONS AND PRIOR TO ANY CONSTRUCTION, CONTACT J.U.L.I.E., TOLL FREE 1-800-892-0123

EXISTING TOPOGRAPHIC FIELD WORK PERFORMED ON 1/14/22.

CURRENT ZONING = R-2

SITE BENCHMARK

MAG NAIL IN PAVEMENT NEAR THE EXTENSION OF THE WEST LINE OF LOT 26.
ELEV.=734.36

OWNER:
PAUL SPASS

ABBREVIATIONS:

P.U. & D.E.	PUBLIC UTILITY & DRAINAGE EASEMENT	XXX.XXTC	TOP OF CURB ELEVATION
N.F.	NO FENCE	XXX.XME	MATCH EXISTING ELEVATION
N.A.	NO ACCESS	(XX.X)	EXISTING SPOT GRADE PER APPROVED
L.C.	LANDSCAPE COVENANT	XXX.XX	ENGINEERING PLANS
B.S.L.	BUILDING SETBACK LINE	XX	EX. AS-BUILT GRADE & DESCRIPTION
TF	TOP OF FOUNDATION	XXX.X	SPOT GRADE W/ FLOW DIRECTION
GF	GARAGE FLOOR		
LO	LOOK OUT		
WO	WALK OUT		
WW	WINDOW WELL		
DS	DOWN SPOUT		
BL	BRICK LEDGE		
SP	SUMP PUMP		
TL	TREE LINE		

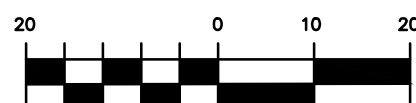
PAVEMENT LEGEND

	PROPOSED CONCRETE		PROPOSED PAVERS		PROPOSED COVERED PORCH & DECK
	EXISTING BITUMINOUS PAVEMENT		EXISTING CONCRETE		EXISTING PAVEMENT/STRUCTURE TO BE REMOVED
	PROPOSED GRAVEL				

LOT COVERAGE

LOT AREA	= 11,767 SF
BUILDING AREA	= 2,042 SF
BUILDING COVERAGE	= 17.35%
DRIVEWAY & SIDEWALKS	= 924 SF
COVERED PORCH	= 84 SF
PROPOSED DECK	= 39 SF
TOTAL COVERAGE	= 3,089 SF (26.25%)

GRAPHIC SCALE



STATE OF ILLINOIS }
COUNTY OF WILL } SS

I, BRIAN MALONE, CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

MOKENA, ILLINOIS, JANUARY 14, 2022.

LICENSE EXPIRES 11/30/22
PROFESSIONAL LAND SURVEYOR NO. 035.003974

COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCES AT ONCE. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, CONTRACT, TITLE POLICY, ZONING ORDINANCE, ETC.



1. NOTED DIMENSIONS SHALL GOVERN. CONSULT ARCHITECT AT ANY DISCREPANCY.
2. DOUBLE FRAMING MEMBERS AROUND OPENINGS AND BELOW PARALLEL PARTITIONS.
3. MAINTAIN MINIMUM 1" INCH CLEARANCE BETWEEN FLUES AND WALLS.
4. ALL UNDIMENSIONED WALLS ARE 1/2" THICK GYPSUM BOARD STUDS WITH GYPSUM BOARD EACH SIDE UNLESS OTHERWISE NOTED.
5. DOUBLE JOISTS UNDER ALL PARALLEL WALLS ABOVE.
6. WALL STUDS AND NONBEARING JOISTS MAY BE SPACED TO EACH SIDE OF WALL TO ALLOW PLUMBING TO PASS THROUGH.
7. DENOTED 3"x2x4 SPIKED THROUGH OR 4x4 POST, CONTINUOUS TO FOUNDATION WALL. WALL BEARER JOIST MAY BE HEAVY.
8. ALL JOIST AND RATERS TO BE CANADIAN SPRUCE PINE FIR #1/#2. ARCHITECT IS TO BE NOTIFIED IMMEDIATELY IF SPECIES IS TO BE CHANGED.
9. FLOOR FLOOR, REFER TO ARCHITECT FOR FLOOR FINISHES.
10. PROVIDE A MIN. OF (2) 2x12's WITH 1/2" PLYWOOD FUR POLE HEADERS AT ALL 2x4, FRAMED OPENINGS UNLESS OTHERWISE NOTED.
11. PROVIDE LATERAL BLOCKING IN ALL BEARING AND EXTERIOR WALLS UNLESS NOTED OTHERWISE.

1. ROOF LIVE LOAD =	30 PSF
2. HORIZONTAL WIND LOAD (90 MPH 3-SEC GUST) LESS THAN 30° =	15 PSF
30° TO 45° =	20 PSF
3. BALCONIES AND DECKS (EXTERIOR) =	60 PSF
4. GARAGES (PASSENGER CARS ONLY) =	40 PSF
5. ATTICS (NO STORAGE WITH ROOF SLOPE NOT STEEPER THAN 3/12) =	10 PSF
6. ATTICS (LIMITED ATTIC STORAGE) =	20 PSF
7. DWELLING UNITS (EXCEPT SLEEPING ROOMS) =	40 PSF
8. SLEEPING ROOMS =	40 PSF
9. STAIRS =	40 PSF
10. PARTITIONS OR WALLS (INTERIOR), HORIZONTALLY =	5 PSF
11. SEISMIC DESIGN CATEGORY =	B
12. FROST LINE DEPTH =	42"
13. WINTER DESIGN TEMPERATURE =	10° F

PREFABRICATED GAS FIREPLACE
 W/ DIRECT VENT. SET UNIT ON
 ONE LAYER OF $\frac{3}{8}$ " DUROCK.
 PROVIDE FIXED GLASS FRONT
 PANEL. INSTALL & FLASH PER
 MANUFACTURER'S
 REQUIREMENTS.

FIELD VERIFY METHOD OF
SUPPLYING EXTERIOR AIR FOR
FACTORY BUILT FIREPLACES
AT TIME OF INSPECTION

VENTLESS FIREPLACES ARE
PROHIBITED

FLOORS: WHEN THE FLOOR FINISH IS NOT LAID DIRECTLY ON THE FLOOR SLAB OR BASE, THE SPACE BETWEEN THE FLOOR FINISH AND THE SLAB OR BASE SHALL BE COMBUSTIBLE IN A MANNER THAT THERE WILL BE NO OPEN SPACES UNDER THE FLOOR FINISH WHICH WILL NEED TO BE PROTECTED BY CONSTRUCTION OF NON-COMBUSTIBLE MATERIALS. ALL PARTITIONS SHALL BE FIRESTOPPED AT WALLS AND PARTITIONS. ALL FLOORS SHALL BE FIRESTOPPED WHERE OPENINGS THROUGH THE FLOOR OCCUR. WHEN JOISTS RUN PARALLEL TO THE WALL, THE JOIST NEAREST THE WALL SHALL BE TIGHT AGAINST THE WALL.

2. WAINSCOTTING: FIREFSTOPPING SHALL BE PROVIDED IN ALL WALLS AND PARTITIONS TO CUT OFF ALL CONCEALED DRAFT OPENINGS BOTH HORIZONTAL AND VERTICAL; AND TO PROVIDE AN EFFECTIVE FIRE BARRIER BETWEEN STORIES AND BETWEEN THE UPPER STORY AND ROOF SPACE.

3. WALLS: IN BUILDINGS OF CONSTRUCTION TYPES IV AND V, ALL STUD PARTITIONS AND INTERMEDIATE PARTITIONS AT ROOM LEVEL AND CEILING AND INTERMEDITE POINTS AS MAY BE REQUIRED TO LIMIT ANY ENCLOSED VERTICAL SPACE TO EIGHT (8) FEET IN HEIGHT, IN BUILDINGS OF CONSTRUCTION TYPES IV AND V, WHERE WALLS ARE FURRED, THE SPACE BETWEEN THE INSIDE OF THE Furring AND THE FACE OF THE WALL SHALL BE COMBUSTIBLE IN SUCH A MANNER THAT THERE WILL BE NO OPEN SPACES UNDER THE FURS OR STRIPS EQUAL TO THE ASSEMBLY IN WHICH THEY EXIST; SUCH DOORS SHALL BE TIGHT FITTING WITH GASKETS. IN BUILDINGS OF CONSTRUCTION TYPE III, ALL DOOR FRAMES AND STAR STRINGERS SHALL BE FIRESTOPPED AT TOP AND BOTTOM AND AT LEAST ONCE IN THE MIDDLE OF EACH RUN, AND FIREFSTOPPING SHALL ALSO BE PROVIDED BETWEEN STUDS OF ADJOINING STUD PARTITIONS ALONG AND IN LINE WITH THE RUN OF THE STAIRWAY.

4. WALLS AND CEILINGS: ALL VERTICAL OPENINGS THROUGH FLOORS AND CEILINGS NOT SPECIFICALLY MENTIONED ABOVE SUCH AS SLOTTED AIRWAYS FOR CONDUTTS, POWER SHAFTEING OR DUCTS SHALL BE FIRE STOPPED. SCREENS FOR BELLS AND CONVEYORS SHALL BE PROVIDED WITH INCOMBUSTIBLE SPRUNG DOORS OR OTHER EQUIVALENT MEANS OF CLOSURE.

6. CHIMNEYS AND MANTELS: ALL SPACES BETWEEN CHIMNEYS AND WOOD JOISTS, BEAMS, OR HEADERS SHALL BE FIRE STOPPED BY PLACING INCOMBUSTIBLE MATERIAL TO A DEPTH OF TWO TIMES THE WIDTH OF THE SPACES BACK FROM COMBUSETABLE MANTELS SHALL BE FILLED WITH INCOMBUSTIBLE MATERIAL.

7. INTERIOR FINISHES SHALL NOT EXCEED CLASS I, 0-2% FLAMESPREAD, 200 SMOKE.

8. ALL OPENINGS, IN FIRE RATED, RAISED FLOORS AND WALLS INCLUDING SPACES BETWEEN PANELS, CORRUGATIONS, CORNICES, ETC., SHALL BE SEALED TO PREVENT THE PASSAGE OF MATERIAL TO MAINTAIN FIRE RATING CONTINUITY OF THE FIRE RATED FLOOR AND WALL CONSTRUCTION. ALL OPENINGS AND PENETRATIONS SHALL BE SEALED TO PREVENT THE PASSAGE OF STEAM OR HOT WATER.

9. PROVIDE 1" MIN. CLEARANCE BETWEEN "B" LABEL LUGS AND ANY COMBUSTIBLE MAT'L PROVIDED THAT THE FIRST 3'-0" ABOVE THE FURNACE HAS 3" CLEARANCE.

10. LOW TEMPERATURE CHIMNEYS SHALL EXTEND TO A HEIGHT NOT LESS THAN 3' -0" ABOVE THE ROOF RIDGE LINE. IF THE ROOF RIDGE LINE IS MORE THAN 2' -0" ABOVE ANY ROOF WITHIN 10'-0" OF SUCH CHIMNEY EXCEPT CHIMNEYS ON A ROOF SLOPED MORE THAN 15 DEGREES MAY EXTEND NOT LESS THAN 2'-0" ABOVE THE RIDGE.

11. FILL CAVITIES BETWEEN FLOORS AND BETWEEN OTHER FIRE SEPARATED ZONES WITH INCOMBUSTIBLE MATERIAL.

12. FLOOR SOFFITS, INTERSTITIAL FLOOR PENETRATIONS STAR STRINGERS AT TOPS AND BOTTOMS WITH APPROVED MATERIALS.

13. UNFINISHED ATTIC SURFACES, UNFINISHED UNDER STAIRS SHALL HAVE THE WALLS, UNDER STAIR SURFACE AND ANY SOFFITS PROTECTED ON THE ENCLOSED SIDE WITH A MINIMUM OF 1/2" INCH Gypsum BOARD.

14. EXPOSED CART PAPER SHALL HAVE A FLAME SPREAD RATING OF 25 OF LESS.

15. ALL DOORS BETWEEN GARAGE AND LIVING AREAS SHALL BE "B" LABEL (1-1/2" HOUSRS OF FIRE PROTECTION) OR BETTER WITH SELF CLOSERS.

16. ALL COMMON WALLS AND FLOORS BETWEEN GARAGE AND LIVING AREAS SHALL BE CONSTRUCTED TO A MINIMUM OF 1 HOUR FIRE RESISTANCE

17. PROVIDE 20" MINIMUM NON-COMBUSTIBLE HEARTH AT FIREPLACE.

1. RAILINGS: HANDRAILS HAVING MIN. AND MAX. HEIGHTS OF 34 INCHES AND 38 INCHES, RESPECTIVELY, MEASURED VERTICALLY FROM THE NOSING OF THE TREADS, SHALL BE PROVIDED ON AT LEAST ONE SIDE OF STAIRWAYS OF THREE OR MORE RISERS AND SHALL BE SECURED TO THE WALLS, PARTITION OR BOTTOM OF THE STAIRWAYS AND SHALL BE CHAINED OR SHALL TERMINATE IN NEWEL POSTS OR SAFETY TERMINALS.

2. PORCHES, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30 INCHES ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDRAILS. GUARDRAILS 36 INCHES IN HEIGHT, HANDRAILS THAT FORM PART OF A GUARDRAIL SHALL BE 36 INCHES MIN. AND 38 INCHES MAX. REQUIRED ON OPEN SIDES OF STAIRWAYS, RAISED FLOOR AREAS, BALCONIES AND PORCHES SHALL HAVE INTERMEDIATE RAILS OR ORNAMENTAL CLOSURES TO PREVENT PASSAGE OF A 4 INCH DIA. SPHERE.

3. OPEN SIDES OF STAIRS WITH A TOTAL RISE OF MORE THAN 30 INCHES ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDRAILS. HANDRAILS THAT FORM PART OF A GUARDRAIL SHALL BE 36 INCHES MIN. AND 38 INCHES MAX.

4. THE HAND GRIP PORTION OF THE HANDRAILS SHALL BE NOT MORE THAN 2-5/8" IN CROSS SECTIONAL DIMENSION, OR THE SHAPE SHALL PROVIDE AN EQUIVALENT GRIPPING SURFACE. THE HAND GRIP PORTION OF THE HANDRAIL SHALL HAVE A SMOOTH SURFACE WITHOUT CORNERS. HANDRAILS PROJECTING FROM THE WALL SHALL HAVE A SPACE OF NOT LESS THAN 1 1/2 INCHES BETWEEN THE WALL AND THE HANDRAIL.

5. ENCLOSED ENCLOSURE SPACES UNDER STAIRS SHALL HAVE THE WALLS, UNDER STAIR WALLS, AND THE FLOORS OF THE ENCLOSURE SHALL HAVE WITH A MINIMUM OF 1/2 INCH GYPSUM BOARD.

EXTENT OF HEADER WITH SINGLE PORTAL FRAME (ONE DOUBLE WALL SEGMENT)

2'-18" FINISHED WIDTH OF OPENING FOR SINGLE OR DOUBLE PORTAL

MIN. 3" x 1"-1 1/4" NET HEADER TOP OF HEADER AT MAX. 10FT HEIGHT ABOVE FLOOR

FASTEN SHEATHING TO HEADER WITH 8D COMMON NAILS IN 3 IN. GRID PATTERN AS SHOWN

HEADER TO JACK-STUD STRAP PER IRC TABLE R602.10.6.4 ON BOTH SIDES OF OPENING OPPOSITE SIDE OF SHEATHING

MIN. DOUBLE 2X4 FRAMING COVERED WITH MIN. 7/16" THICK WOOD NAULT SHEATHING W/ 8D COMMON NAILS AT 4" O.C. IN ALL FRAMING (STUDS; BLOCKING; AND SILLS) TYPE

MIN. 1/2" WIDE PANEL FOR 1-STORY STRUCTURES, 2/4" WIDE PANEL FOR 2-STORY STRUCTURES AS PER IRC TABLE R602.10.5.1

MIN. (2) 1 1/2" DIAMETER ANCHOR-BOLTS INSTALLED PER IRC TABLE R403.1.6 WITH 2-1/2" x 2-1/2"x3/16" PLATE WASHER

TENSION STRAP PER TABLE R602.10.6.4 (ON OPPOSITE SIDE OF SHEATHING)

IF NEEDED PANEL SPICE EDGES SHALL OCCUR OVER AND NENAILED TO COMMON BLOCKING WITHIN THE MINIMUM 2 1/4" OF THE PORTAL EAVE HEIGHT: ONE ROW OF 3" O.C. NAILING IS REQUIRED IN EACH PANEL EDGE.

NATURAL PORTAL FRAME CONSTRUCTION

MIN. DOUBLE 2X4 POST (KING & JACK STUD), 3 NUMBER, 4 JACK STUD PER TABLE R602.11(X2), 2

INTERMITTENT BRACK WALL PANEL REQUIRED ADJACENT OPENING FOR SINGLE PORTAL FRAME

FRONT ELEVATION

	GARAGE WALL SHEAR BRACING
--	---------------------------

$$1/4" = 1'-0"$$

1. FOR ROOF FRAMING, REFER TO TO ROOF PLAN.
2. PROVIDE A MIN. OF (2) 2x12's WITH 1/2" PLYWOOD FLUTCH PLATE HEADERS AT 24" FRAMING ON CENTER UNLESS OTHERWISE NOTED.
3. PROVIDE LATERAL BLOCKING IN ALL BEARING AND EXTERIOR WALLS UNLESS NOTED OTHERWISE.
4. ALL MATERIAL SELECTIONS AND FINISHES SHALL BE SELECTED BY OWNER.
5. THE REGISTERED DESIGN PROFESSIONAL OR CONTRACTOR SHALL PROVIDE A WRITTEN REPORT TO CHOOSE THE BEST OPTION FOR THE LEAKAGE RATE LESS THAN 3 AIR CHANGES PER HOUR. THE WRITTEN TEST REPORT SHALL BE SIGNED AND SUBMITTED PRIOR TO OCCUPANCY APPROVAL.
6. PROVIDE CONFIRMATION THAT OUTDOOR AIR INTAKES AND EXHAUSTS SHALL HAVE A MINIMUM OF 7' CLEARANCE FROM GRAVITY DAMPERS THAT CLOSE WHEN THE VENTILATION SYSTEM IS NOT WORKING.

7. AN APPROVED PARTY, INDEPENDENT FROM THE INSTALLER OF THE INSULATION SHALL INSPECT THE AIR BARRIER AND INSULATION. THE DOCUMENT SHALL DEFINE THE LEAKAGE TEST RESULT RESULTING IN A LEAKAGE RATE LESS THAN $0.05 \text{ m}^3/\text{m}^2/\text{hour}$. THE WRITTEN TEST REPORT SHALL BE SIGNED AND SUBMITTED PRIOR TO ACCEPTANCE APPROVAL.
8. PROVIDE DUCT SEALANT(WELDS AND/OR SPRAY FOAM)
9. THE INSULATION INSTALLER SHALL SIGN, DATE, AND POST THE CERTIFICATE OF INSULATION PERFORMANCE PROMINENTLY ON THE MOST CONSPICUOUS LOCATION IN THE ATTIC, BLOWN OR SPRAYED ROOF/CEILING INSULATION THICKNESS SHALL BE IDENTIFIED IN WRITTEN CHAINS, AFFIXED TO THE TRUSS OR JOIST EVERY 300' FOR INSPECTION
10. ALL QUALITY PERFORMANCE ALTERNATIVES ARE ACCEPTABLE, REVIEW SECTION R405 AND SUBMIT NECESSARY INFORMATION

TABLE R502.3.1 (2)

RESIDENTIAL LIVING AREAS		DEAD LOAD = 10 PSF			DEAD LOAD = 20 PSF		
JOIST SPACING	SPECIES/ GRADE	2X8		2X10	2X8		2X10
		MAX FLOOR JOIST SPAN			MAX FLOOR JOIST SPAN		
12 O.C.	HEM FIR #2	13-2	16-10	20-4	13-1	16-0	18-6
	SPT #2	13-6	17-3	20-7	13-3	16-3	18-10
16 O.C.	HEM FIR #2	12-0	15-2	17-7	11-4	13-10	16-1
	SPT #2	12-3	15-5	17-10	11-6	14-1	16-3
RESIDENTIAL SLEEP AREAS	DEAD LOAD = 10 PSF	14-0		14-0	DEAD LOAD = 20 PSF		14-0
	HEM FIR #2	14-0	17-0	22-0	14-0	17-0	22-0
12 O.C.	SPT #2	14-1	19-0	23-0	14-7	17-9	20-7
	HEM FIR #2	13-2	16-10	19-8	12-5	15-2	17-7
16 O.C.	SPT #2	13-6	17-2	19-11	12-7	15-5	17-10

JOISTS - SPRUCE-PINE-FIR NO.1/NO.2 OR BETTER.
Fb=875p.s.i., Fv=70p.s.i., E=1,400,000p.s.i.

JOISTS, HEADERS AND BEAMS - HEM-FIR(N) NO.1/NO.2 OR BETTER.
Fb=1000p.s.i., Fv=75p.s.i., E=1,600,000p.s.i.

STUDS (10'-0" AND LESS IN HEIGHT) - STUDS GRADE S-P-F OR BETTER.
Fb=675p.s.i., Fc=425p.s.i., E=1,200,000p.s.i.

STUDS GREATER THAN 10'-0" IN HEIGHT - S-P-F NO.1/NO.2 OR BETTER.
Fb=875p.s.i., Fc=1,100p.s.i., E=1,400,000p.s.i.

POSTS AND TREATED LUMBER - SOUTHERN-PINE NO.2 OR BETTER.
Fb(PER NDS TABLES), Fv=90p.s.i., Fc(PER NDS TABLES), E=1,600,000p.s.i.

LAMINATED STRUCTURAL WOOD BEAMS (GLU-LAM BEAMS)
Fb=2,400p.s.i., Fv=165p.s.i., E=1,900,000p.s.i.

ALL FRAMING MEMBERS DESIGNATED AS "LVL" SHALL BE 1.8E G-P LAM BY GEORGIA PACIFIC OR BETTER.
Fb=2,600p.s.i., Fv=285p.s.i., E=1,800,000p.s.i.

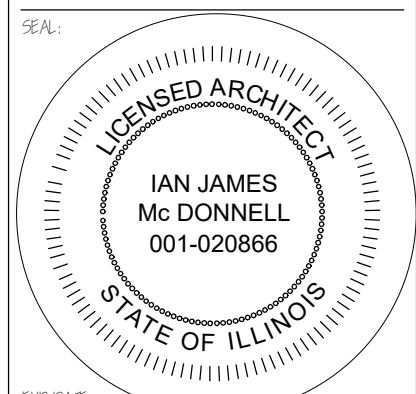
JOISTS FRAMING FROM OPPOSITE SIDES OVER A BEARING SUPPORT SHALL LAP A MIN. OF 3 INCHES AND BE NAILED TOGETHER WITH A MIN. THREE 10d FACE NAILS.

O:
708-469-7674

p:
708-404-4451

PROJECT	
A-1.0	EXTERIOR ELEVATIONS
A-1.1	EXTERIOR ELEVATIONS
A-2.0	FOUNDATION PLAN
A-2.1	FIRST FLOOR PLAN
A-2.2	SECOND FLOOR PLAN
A-3.0	SECTIONS + DIAGRAMS
E-1.0	ELECTRICAL PLANS

SINGLE FAMILY HOME
9260 PLEASANT
TINLEY PARK IL.



EXP DA

DATE _____

5.4.2022

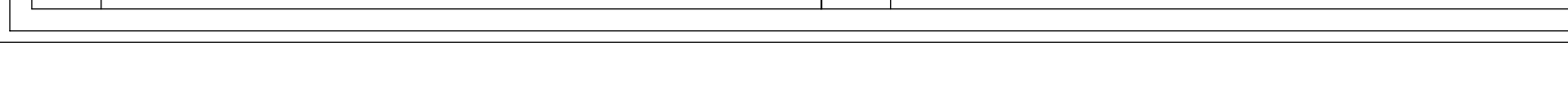
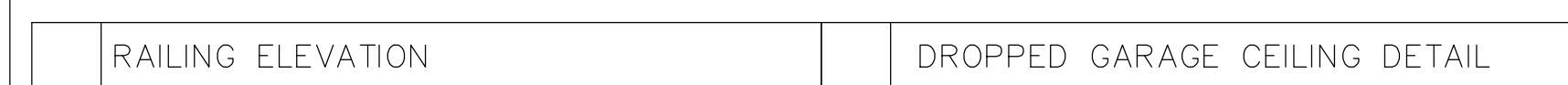
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2021-358

SEE

A-2.1

ROOM NO	ROOM NAME	FLOOR AREA	ORDINANCE REQUIREMENTS				ACTUAL PROVIDED				HEAT LOSS BTU/HR		HEAT INSTALLED BTU/HR		EQUIPMENT		REMARKS
			NATURAL LIGHT & VENT (SF)		MECHANICAL VENTILATION (CFM) SUPPLY AIR		NATURAL LIGHT & VENT (SF)		MECHANICAL VENTILATION (CFM) SUPPLY AIR						TAG OF EQUIPMENT SUPPLYING AIR TO THE ROOM	TAG OF EQUIPMENT EXHAUSTING AIR TO THE ROOM	
			SEE WINDOW SCHEDULE														
			LIGHT AREA	VENT AREA	SUPPLY AIR	EXHAUST AIR (FROM ROOM)	LIGHT AREA	VENT AREA	SUPPLY AIR	EXHAUST AIR (FROM ROOM)							
100	FOYER	54	4.3	2.2	22	NR	27.22	29.43	50	50.0	2592	2981	FAU-1	NA			
101	OFFICE	156	12.5	6.2	62	NR	19.26	21.50	75	75.0	7488	8611	FAU-1	NA			
102	PR	29	2.3	1.2	12	NR	0.00	0.00	25	25.0	1392	1601	FAU-1	NA			
103	LAUNDRY	92	7.4	3.7	37	NR	3.58	4.23	50	50.0	4416	5078	FAU-1	NA			
104	FAMILY ROOM	288	23.0	11.5	115	NR	28.94	27.29	125	125.0	13824	15898	FAU-1	NA			
105	DINETTE	112	8.9	4.5	45	NR	35.92	35.92	50	50.0	5366	6171	FAU-1	NA			
106	KITCHEN	151	12.1	6.0	60	NR	5.39	6.17	75	75.0	7248	8335	FAU-1	NA			
TOTALS					353				450		42326	48675					
200	HALLWAY	84	6.7	3.4	34	NR	0.00	0.00	50	50.0	4032	4637	FAU-1	NA			
201	BEDROOM 2	146	11.7	5.8	58	NR	19.26	21.50	75	75.0	7008	8059	FAU-1	NA			
202	BATH	55	4.4	2.2	22	NR	4.31	5.01	25	25.0	2640	3036	FAU-1	NA			
203	BEDROOM 3	116	9.3	4.6	46	NR	16.20	18.19	50	50.0	5568	6403	FAU-1	NA			
204	BEDROOM 4	103	8.2	4.1	41	NR	16.20	18.19	50	50.0	4944	5686	FAU-1	NA			
205	BATH	123	9.8	4.9	49	NR	8.63	10.02	50	50.0	5904	6790	FAU-1	NA			
206	BEDROOM 1	208	16.6	8.3	83	NR	16.20	18.19	100	100.0	9984	11482	FAU-1	NA			
TOTALS					334				400		40080	46092					
000	BASEMENT	1004	20.1	20.1	402	NR	32.00	32.00	450	450.0	48192	55421	FAU-1	NA			
TOTALS					402				450		48192	55421					



1. ALL WORK SHALL COMPLY WITH APPLICABLE LOCAL ELECTRICAL BUILDING AND FIRE CODES, APPLICABLE FEDERAL AND STATE REGULATIONS.

35. COMPLY WITH ALL GOVERNING CODES AND REGULATIONS.
36. COMPLY WITH THE GOVERNING EDITION OF THE 'NATIONAL ELECTRICAL CODE'.
37. USE COPPER WIRE ONLY.
38. PROVIDE 'GFI' (GROUND FAULT INTERRUPTER) PROTECTION FOR ALL BATHROOMS AND ALL OTHER DAMP AREAS.
39. ELECTRICAL OUTLETS IN BASEMENT TO BE 'GFI' PROTECTED.
40. ALL INTERCONNECTED SMOKE DETECTORS MUST BE INSTALLED IN BASEMENT, FIRST, SECOND FLOORS AND IN ALL SLEEPING ROOMS. THE SMOKE DETECTOR SHALL BE HARDWIRED WITH BATTERY BACK-UP.
41. INSTALL 'C.O.' AS REQUIRED BY LOCAL CODES.
42. ALL WHIRLPOL, TUB/SPAS TO BE ON SEPARATE 'GFI' PROTECTED CIRCUITS.
43. ALL SWITCHES IN BATHROOMS TO BE ON 'GFI' PROTECTED CIRCUITS.
44. ALL RECEPTACLES INSTALLED IN SLEEPING ROOMS TO BE PROTECTED BY AN 'ARC FAULT' INTERRUPTER.
45. MIN. SIZE OF CONDUCTORS FOR FEEDERS AND BRANCH CIRCUIT SHALL BE NO. 14 COPPER. ALL CONDUCTORS USED FOR FEEDERS AND BRANCH CIRCUITS MUST BE COPPER.
46. ALL WIRING SHALL BE INSTALLED IN RIGID METALLIC TUBING.
47. THE FOLLOWING ADDITIONAL SEPARATE BRANCH CIRCUITS SHALL BE REQUIRED AS NEEDED:
- A. CENTRAL AIR CONDITIONING SYSTEM.
- B. ELECTRIC RANGE.
- C. BUILT-IN MICROWAVE OVEN.
- D. THROUGH WALL AIR CONDITIONERS & HEATING UNITS.
- E. MOTORS OF 1/2 HORSEPOWER OR LARGER.
- F. ELECTRIC WATER HEATERS.
- G. ELECTRIC DRYERS - 240 VOLT. MIN. NO. 10 WIRE WITH 'L' SHAPED RECTANGLE.
- H. SUMP PUMP.
- I. SANITARY EJECTOR PUMP.
- J. CENTRAL VACUUM SYSTEM.
48. ALL EXTERIOR GFCI OUTLETS SHALL HAVE IN-USE COVERS AND BE G.F.I.
49. MIN. ONE EXTERIOR OUTLET TO BE WITHIN 6'-0" OF GRADE.
50. EJECTOR PIT TO BE ON DEDICATED CIRCUIT.
51. SWITCHES WITHIN 5'-0" OF EDGE OF TUB OR SHOWERS ARE REQUIRED TO BE GFCI PROTECTED.
52. BOXES IN CEILING SHALL BE CAPABLE OF SUPPLYING 31A, 27, 15 AND (D) AND 422.18.
53. ALL 120-VOLT, SINGLE PHASE, 15 AND 20 AMPERE BRANCH CIRCUITS SUPPLYING OUTLETS INSTALLED IN DWELLING UNITS: FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DENS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, OR SIMILAR ROOMS OR AREAS SHALL BE PROTECTED BY A LISTED ANTI-FLOOD TUBS AND LAMPERS COMBINATION-TYPE, INSTALLED TO PROVIDE PROTECTION OF THE BRANCH CIRCUIT.
54. MINIMUM OF 75% OF ALL LAMPERS INSTALLED IN PERMANENT FIXTURES SHALL BE HIGH EFFICIENCY.
55. NO LIVE SERVICE ENTRANCE CONDUCTOR SHALL EXTEND OVER FIVE FEET WITHIN BUILDING WITHOUT A MAIN DISCONNECT AT METER.

[illegible]

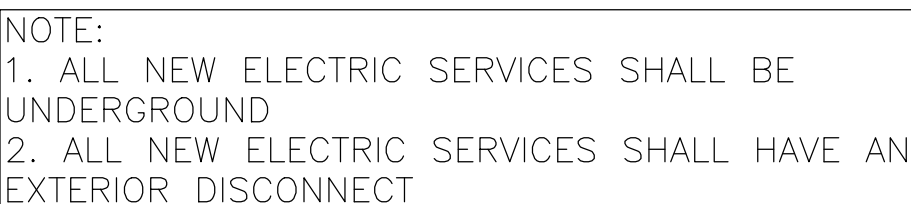
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- Diagram illustrating the connection of a ground electrode to a reinforcing bar. The diagram shows a vertical ground electrode conductor connected to a horizontal reinforcing bar. The connection is made using a bolted type connection device or exothermic weld. A non-metallic protective sleeve is shown covering the connection. The ground electrode conductor is labeled "GROUNDING ELECTRODE CONDUCTOR". The reinforcing bar is labeled "NO. 4 AWG OR LARGER COPPER CONDUCTOR OR REINFORCING BAR OR RIBBON LESS THAN 1/2" DIAMETER". The diagram also shows a "GROUNDING ELECTRODE" and a "MINIMUM" dimension of 2'.

AN ELECTRODE PLASSED BY AT LEAST 50MM (2") OF CONCRETE, LOCATED WITHIN AND NEAR THE BOTTOM OF A CONCRETE FOUNDATION OR FOOTING THAT IS IN DIRECT CONTACT WITH THE EARTH, CONSISTING OF AT LEAST 6.0 M (20') OF ONE OR MORE BARE OR ZINC GALVANIZED OR OTHER ELECTRICALLY CONDUCTIVE STEEL REINFORCING BARS, EACH BAR HAVING A MINIMUM OF 13MM (1/2") IN DIAMETER, OR CONSISTING OF AT LEAST 6.0 M (20') OF BARE COPPER CONDUCTOR NOT SMALLER THAN 4 AWG. REINFORCING BARS SHALL BE PERMITTED TO BE BONDED TOGETHER BY THE USUAL STEEL WIRES OR OTHER EFFECTIVE MEANS. STEEL REINFORCEMENT (MINIMUM #4 REBAR 20 FT IN LENGTH) IN FOOTING REQUIRES THE ATTACHMENT OF A UFFER TO THE ELECTRICAL SERVICE DISCONNECT WITH A MINIMUM #4 COPPER

-
- FAMILY ROOM
104
- DINETTE
105
- KITCHEN
106
- OFFICE
101
- FOYER
100
- LAUNDRY
103
- GARAGE
- TO BL.W.
- TO ABV.
- WP/GFI
W/COVER
- CO AND SMOKE DETECTORS SHALL
BE ON DEDICATED CCT. (NON
GFI-NON ARC FAULT)
- SMOKE DETECTORS ON UNDERSIDE OF
UNCONDITIONED-SPACES SHALL HAVE
THE DUCT/NT SEALED TO PREVENT
MOISTURE FROM CONDENSATION FROM
ENTERING THE DETECTOR
- NOTE:
HEAT ALARMS SHALL BE INSTALLED WITHIN ATTACHED GARAGES.
ALARMS INSTALLED SHALL DETECT HEAT TEMPERATURES BETWEEN
175 TO 250 DEGREES FAHRENHEIT AND SHALL BE
INTERCONNECTED WITH DWELLING UNIT SMOKE DETECTORS. HEAT
ALARMS SHALL BE TESTED AND LISTED IN ACCORDANCE WITH THE
REQUIREMENTS OF NFPA 72 FOR APPROVAL.
- 3/22/22

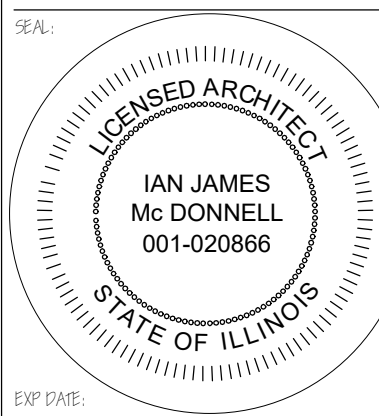
$$3/16'' = 1'-0''$$


ELECTRICAL SERVICE MUST ENTER BUILDING ON THE REAR ELEVATION. TRENCHING OF ELECTRICAL SERVICES UNDERGROUND SHALL BE ALONG THE LOT LINES.



o:
708-469-7674
p:
708-404-4451

SINGLE FAMILY HOME
9260 PLEASANT
TINLEY PARK IL.



EXP DATE _____
ISSUE _____

set-

E-1.0



**Petitioner**

Village of Tinley Park

Code Section

Section III (General Provisions) and VIII (Off-Street Parking and Loading) of the Zoning Ordinance

Approvals Sought

Text Amendment

Project Planner

Daniel Ritter, AICP
Planning Manager

PLAN COMMISSION STAFF REPORT

May 19, 2022 – Public Hearing

Zoning Code Text Amendment – Building Code to Zoning Code Transfer (Driveway, Accessory Structure, and Misc. Regulations)

EXECUTIVE SUMMARY

The Building Division has worked to update and amend the Village's Building Code and adopt updated International Code Council (ICC) codes (building, residential, energy, fire, etc.) The proposed Building Code changes will not only update the codes to the newest 2022 versions but also make the regulations more user-friendly. The adoption of the new codes and amendments will go to the Village Board on April 19, 2022, and implemented on new permits going forward.

As part of the Building Code update review, certain sections have been identified that are not typically addressed in a Building Code and are more traditionally regulated by a Zoning Code. These items typically do not directly relate to life safety or construction quality and are more aesthetic or location-based in nature. They may also have situations that could result in the need for a Variation request if there is a unique situation or hardship where a code requirement cannot be met. One such section of the Building Code was the exterior masonry and building material regulations. These exterior material regulations had some more in-depth discussions associated with the changes and were previously reviewed by the Plan Commission and moved into the Zoning Ordinance in 2019 (Ord. # 2019-O-074).

The goal of this proposed Zoning Code text amendment is to bring the current regulations in the Building Code into an appropriate section of the Zoning Ordinance. However, with a few regulations staff has noted some issues and are making small changes or additions that would help clarify the regulation's intent and avoid miscommunication in the future. Any proposed changes are meant to be rather simple as to not require too much analysis of the potential effects. The most significant changes and clarifications from the current regulations are with regards to driveways. Currently, driveways have few controls on size or front yard coverage on residential lots. The changes proposed are typical in suburban zoning ordinances to maintain attractive streetscapes, keep consistent driveway patterns, and avoid stormwater drainage issues in the future from overly large driveways.

Staff has researched and drafted amendments for the Commission's discussion. Attached is an Excel spreadsheet summary of regulations from the Building Code that need to be transferred, where they are proposed to be located, and the proposed text. Additionally, attached is the existing and proposed (red-lined) versions of Section III (General Provisions) and Section VIII (Off-Street Parking and Loading) for the Commission's review.

MOTION TO CONSIDER

If the Plan Commission wishes to act on the proposed Text Amendment, the appropriate wording of the motion is listed below:

“...make a motion to recommend the Village Board amend various sections of the Zoning Ordinance to as described in the May 19, 2022 Staff Report and listed of attachments as drafted “red-lined” text amendments of Section III (General Provisions) and Section VIII (Off-Street Parking) regulating driveways, accessory structures, and other items previous regulated by the Tinley Park Comprehensive Building Code.”

This Plan Commission recommendation is scheduled to go to the next regular Village Board meeting for First Reading on June 2, 2022.

ATTACHMENTS

Description		Prepared By
1	Text Amendment Summary	Village Staff
2	Section III (General Provisions) Zoning Code - EXISTING	Village Staff
3	Section III (General Provisions) Zoning Code – PROPOSED/ RED-LINED	Village Staff
4	Section VIII (Off-Street Parking and Loading) Zoning Code - EXISTING	Village Staff
5	Section VIII (Off-Street Parking and Loading) Zoning Code – PROPOSED/RED-LINED	Village Staff

Building Code Regulations to the Zoning Code Text Amendment 2022 Summary of Changes

BUILDING CODE (Move From)		ZONING CODE (Move to)	
Section	Existing Text	Section	Proposed Text
Accessory Structures			
211 (Private Detached Garages, pg. 34)	Single Family Detached Garages: Total floor area shall not exceed 720 square feet or width shall not exceed 34 feet.	III I. 2. b.	The maximum floor area shall be seven hundred and twenty (720) square feet, two hundred (200) square feet for a storage shed, and four hundred (400) square feet for all other structures. The width of any structure shall not exceed 34 feet.
309.A.2. (Garages and Carports, pg. 51)	No portion of the structure, including roof overhang or eave, shall project into or over any dedicated easement	III.F. and III.H.1. & 2. & 3. (Eaves & gutters)	No portion of the eave, gutter, of roof overhang shall project into or over any dedicated easement.
313.B. and C. (Storage Utility Sheds, pg. 57-58)	B. Number limited – No more than one (1) storage/utility shed shall be located on any residential lot within the Village of Tinley Park. C. Limitations – No storage/utility shed shall exceed two hundred (200) square feet in area, nor exceed fifteen (15) feet in height. No overhead (roll up) doors larger than six (6) feet in width or seven (7) feet in height are allowed on storage/utility sheds.	III.I .2.i.	Storage Sheds: No more than one (1) storage/utility shed shall be located on any residential lot at a maximum of two hundred (200) square feet in floor space, and shall not exceed fifteen (15) feet in height. No overhead (roll up) doors larger than six (6) feet in width or seven (7) feet in height are allowed on storage/utility sheds.
313.D. (Storage Utility Sheds)	Placement – A shed should be placed ten feet from the primary structure, with a minimum of five (5) feet from same.	Already existing in Sec. III.I.1.	
314.I. (Accessory Structure Heights)	Maximum height of all accessory Structures (other than detached garages) is fifteen (15) feet above finished grade.	III.I.1.g.	Add "Maximum height of all accessory structures (other than detached garages as outlined in the section below) is fifteen (15) feet above finished grade."
Other Accessory Structure Limits	Not Existing Currently	III.I .2.h.	No more than one (1) of any type of residential accessory structure shall be permitted accept where a second detached garage may be permitted in Section III.I.3.
Driveways and Parking			
310 A.1.	Location of driveways. Driveways shall be located a minimum of one (1) foot from a common private property line.	III.H.1. (Residential) III.H.2. (Commercial) III.H.3. (Industrial) - Permitted Encroachments in Required Yards	ADD: Driveways - "P" (permitted) in front, side or rear yards and primary and secondary front on corner lots. Under "Additional Requirements" add: " <i>Must be located a minimum of one (1) foot from property line</i> and lead to a permitted parking structure or parking facility. For Residential include: "Driveway shall take the most direct route from the public right-of-way to the parking structure/facility, which may include relocation of curb depressions. Alternative driveway paths may only be approved with the approval of the Village Engineer and Community Development Director." For Commercial and Industrial include: "Driveways may be shared between adjoining properties we an approved site plan and cross-access easement recorded".
310 A.4	Driveways shall have a minimum width of ten feet, unless otherwise approved by the Building Official.	III.H.1. (Residential) III.H.2. (Commercial) III.H.3. (Industrial) - Permitted Encroachments in Required Yards	ADD Under "Additional Requirements": "Driveways shall have a minimum width of ten (10) feet and a maximum width of forty (40) feet."

310 A.4	Driveway can be no greater than thirty (30) foot in the apron at its intersection with the Village Right of Way.	III.H.1. (Residential) III.H.2. (Commercial) III.H.3. (Industrial) - Permitted Encroachments in Required Yards	ADD Under "Additional Requirements": "Driveways shall be no greater than thirty (30) feet in the apron at its intersection with the Village Right of Way." For Residential include "...for a total of thirty (30) feet..."
310.D.1.	All parking areas which are required to be provided by the Village ordinances shall be paved with concrete or asphalt paving.	VIII.D.3 (Off Street Parking - Additional Regulations)	ADD (this is for all zoning districts): Approved Surfaces and No Loose Stone: All driveways, aprons, and parking areas in all zoning districts shall be paved with an impervious surface such as concrete, asphalt paving, or with permeable pavers designed for acceptable vehicle usage when approved by the Village Engineer and Community Development Director. Loose stone is a prohibited surface for parking or drive aisle areas. Any gravel or loose stone areas shall be appropriately paved per the approved plans or removed and restored with top soil and turf.
310. D.4.	Parking spaces shall comply with the Village Zoning Ordinance and the current edition of the Illinois Accessibility Code, Any parking lot being repaved, seal coated or re-striped shall comply with the current edition of the Illinois Accessibility Code.	VIII.A.	ADD as A.11. " <u>Accessible Parking</u> : Parking spaces shall comply with the current edition of the Illinois Accessibility Code. Any parking lot being repaved, seal coated, or re-striped shall comply with the current edition of the Illinois Accessibility Code."
Other			
315 B.1-3	<p>Brick Mail Boxes - B. Restrictions - Masonry mailbox structures shall not be more than 24 inches by 24 inches nor shall they be more than five (5) feet in height and shall be erected as follows:</p> <p>1. The front edge of the masonry structure shall not be set closer than fifteen (15) inches from the rear edge of the curb or within two (2) feet of a Buffalo Box, or within 10 feet of a fire hydrant.</p> <p>2. The front of the mailbox itself shall not be closer than six (6) inches nor further than fifteen inches from the rear edge of the curb.</p> <p>NOTE: Masonry mailbox structures shall comply with United State Postal Regulations; a copy is available in the Building Department. Incorrect installation of masonry mailbox structures could result in the United States Postal Service curtailing mail delivery.</p> <p>3. There shall be a maximum of two pedestals per address only one of which may contain a mailbox.</p>	III.H.1. (Residential only) add to chart in alphabetical order: brick mailbox	ADD as a permitted encroachment in front yard. Under "additional requirements" ADD: "Masonry mailbox shall not be larger than 24 inches wide or 24 inches deep or greater than five feet in height. The front edge of the masonry structure shall not be set closer than fifteen inches from the rear edge of the curb or within two (2) feet of a Buffalo Box, or within 10 feet of a fire hydrant. The front of the mailbox shall not be closer than six inches nor further than fifteen inches from the rear edge of the curb. A maximum of two pedestals per address, only one of which may contain a mailbox. Masonry mailbox structures shall comply with USP Regulations; a copy is available in the Building Department. A permit is required for any decorative or brick mail boxes in the public right-of-way and a waiver form must be signed by the homeowner with any required document recording fees paid by the owner."

316 A,B,C & E	<p>A. Where required: Trash and recycling enclosures shall be provided at all new buildings except single family dwelling units. If owner chooses to have a dumpster instead of garbage cans this section of the ordinance must be followed. The enclosed area shall be screened on three (3) sides by a wall from view from public streets and any abutting properties. There shall not be any types of enclosures or container in the front yard of any building or use including single family attached and detached units.</p> <p>B. Construction Materials: Any wall around a dumpster or trash handling area shall be constructed in a durable fashion of brick, stone, or other masonry materials with a gate opening which will accommodate the pickup of the dumpster by the garbage company. The wall shall be constructed of the same building material and in the same architectural style as the principal structure. Gate material must be wood or vinyl fencing material. No chain link fencing is allowed.</p> <p>C. Enclosure Height: Any enclosure constructed shall have a height not greater than 6 feet.</p> <p>E. Size of Trash Enclosure. The area of a trash enclosure for a site or business shall be sized using dimensions, which relate to the size and use of the principal building and as approved by the building official.</p>	<p>III.H.1. (Residential)</p> <p>III.H.2. (Commercial)</p> <p>III.H.3. (Industrial) - Permitted</p> <p>Encroachments in Required Yards</p>	<p>ADD "Trash and Equipment Enclosure" in alphabetical order to be permitted in side and rear yards. Add "Shall be placed as close as possible to the principal structure but in no case shall be placed within five feet of the property line. Enclosure shall be solid with no chain link fencing permitted. Any enclosure constructed shall have a height not greater than 6 feet. Enclosures shall comply with any approved site plans. See additional regulations within Section III.U.6.j."</p>
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SECTION III

GENERAL PROVISIONS

Except as hereinafter specifically provided, the following general regulations shall apply:

A. INTERPRETATION AND APPLICATION

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever, any easements, covenants, or other agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land or buildings, or upon the height of buildings, or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits, or any easements, covenants, or other agreements between parties, the provisions of these regulations shall govern.

B. USE OF LAND OR STRUCTURES

The provisions of this Ordinance shall apply to all properties as hereinafter specifically provided:

1. **New and Existing Uses.** No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered, except in conformity with the regulations herein specified for the district in which it is located;
2. **Nonconforming Uses.** Any lawful building, structure, or use existing at the time of the enactment of the Zoning Ordinance may be continued, even though such building, structure, or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of Section VI;
3. **Lot of Record.** A Lot of Record at the time of the adoption of this Ordinance which is unable to meet the requirements of this Ordinance as to area and lot width may be used, provided it shall meet all the other requirements of this Ordinance. However, when two (2) or more parcels of land, each of which lacks adequate area and dimensions to qualify for a Permitted Use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, at the time of or subsequent to the adoption of this amendment, they shall be used as one zoning lot for such use; and

4. **Construction in Process.** Where construction of a building or structure has begun prior to the effective date of this Ordinance and is being diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the Building Permit was issued, and further may, upon completion, be occupied under a Certificate of Occupancy subject to the provisions herein set forth in the section pertaining to nonconforming structures and uses.

C. HEIGHT LIMITATIONS

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio, television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits when recommended by the Zoning Board of Appeals and approved by the Village Board. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the District in which it is located; nor shall such structure have a total area greater than twenty-five (25) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Provided, however, that all buildings in the Zoning Districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the height provisions of said Legacy Code and are, therefore, exempt from the height limitations set forth in this Section III.C.1.
2. Hospitals, institutions, schools, or public utility and service buildings, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, provided said specified buildings shall be set back from the front, rear, and side lot lines on the ratio of two (2) feet for every one (1) foot of building height greater than forty (40) feet; provided, however, that said specified requirements shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this Ordinance. Provided, however, that all buildings in the zoning districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the height provisions of said Legacy Code and are therefore exempt from the height limitations set forth in this Section III.C.2.
3. Planned Unit Developments may exceed the height limits established for the district in which the structure is located, provided that the height conforms with the standards and requirements set forth in Section VII.C.2.O of this Ordinance.

D. LOTS

1. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one principal building on a lot except in a Planned Unit Development, or as otherwise provided in this Ordinance.
2. No lot shall hereafter be divided in order to secure one or more additional lots for transfer of ownership or establishment of a principal use thereon, unless each lot, resulting from such division, shall have the minimum lot area and lot width as required in this Ordinance for the district in which the lot is located.
3. Where two (2) or more permitted or Special Uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.
4. Every dwelling shall be constructed or erected upon a lot or parcel of land which has at least twenty (20) feet of frontage abutting upon a public street.
5. Where unique land planning designs are employed in a subdivision or a Planned Unit Development to conserve the natural character of the land or to create a functional or compatible arrangement of structures or uses, a lot which does not abut upon a public or private street may be permitted provided that:
 - a. Adequate provision is made for free access to the lot for the property owner, or in the case of a non-residential lot, for those persons who would normally require access to the lot;
 - b. Adequate provision is made for the unobstructed access of firefighting equipment, police protection, rubbish collection, and other governmental services;
 - c. Adequate provision is made for the extension and maintenance of public and private utility services; and
 - d. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking, or other reasons.
6. The maintenance of yards, courts, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence.

E. YARDS

1. All yards and other open spaces, as required by this Ordinance, shall be located on the same lot as the principal structure or use. No legally required yards, open space, or lot areas for any use or structure shall be used to satisfy yard, open space, or lot area requirements for any other structure or use.

2. On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line. The required front yard setback on corner lots shall apply to each side of the lot facing a street.
3. On vacant through lots, the front lot line shall be along the street line designated by the Building Inspector except that when a front line has been established on one or more lots in the same block and all have front lot lines established along the same street line, the street line designated as the front lot line for such lot or lots shall be the front lot line on all vacant through lots in such block. On through lots, only those obstructions permitted in this Ordinance in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard; however, where a no-access strip has been provided for such lots on a recorded plat, the Zoning Administrator may waive such requirements if, in his judgment, an exception to this requirement would be appropriate.
4. No yards allocated to a structure or use existing on the effective date of this Ordinance shall be subsequently reduced or further reduced below the yard requirements of this Ordinance, except a yard adjoining a street may be reduced in depth in the event and to the extent the right-of-way width of such street adjoining such yard is subsequently increased.
5. Where fifty (50) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (within a variation of five (5) feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings. Provided, however, that all building in the zoning districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the front yard/frontage provisions of said Legacy Code and are, therefore, exempt from the frontage/front yard requirements set forth in this Section III.E.5.

F. REQUIRED SETBACKS

Setback lines shall be maintained on all lots abutting streets and thoroughfares. The minimum setback on lots abutting a street or thoroughfare shall be the distance required for a front yard or side yard, adjoining a street, in the district where such lots are located, measured from the existing right-of-way line of the street or thoroughfare, or from the proposed right-of-way line as designated on the Official Map, and as duly established by other Ordinances or as established by county or state highway authorities, whichever has the greatest right-of-way width requirements.

Except for incidental uses, no structure shall be constructed on a dedicated public or private utility easement, nor shall any structure be constructed so as to encroach upon any easement.

G. VISIBILITY REQUIREMENTS – CORNER LOTS

No structure, wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding two (2) feet in height above the curb level and shade trees where all branches are not less than eight (8) feet above the street level will be permitted. For residential corner lots, this unobstructed area shall be a triangular section of land formed by the two street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of said right-of-way.

H. PERMITTED ENCROACHMENTS IN REQUIRED YARDS**1. Residential Zoning Districts:**

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village's Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards in lots residentially zoned (R-1, R-2, R-3, R-4, R-5, R-6, and R-7) as specified:

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Accessory structures, including but not limited to: accessory sheds, carports, detached garages, equipment shelters, and playhouses		P	P			See additional regulations in Section III. I.
Arbors	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Athletic courts, including but not limited to: basketball or tennis courts			P			All athletic court areas shall be subject to Village review to ensure the court is properly designed, graded, and constructed. In no case shall an athletic court be placed closer than fifteen (15) feet to any property line.
Awnings and canopies	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of any property line.
Balconies	P		P	P	P	Not projecting more than five (5) feet into the required yard.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Breezeways			P			
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into the required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet.
Fences		P	P			See additional regulations within Section III.J.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three- and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to: air conditioning units/ shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line.
Outdoor fireplaces			P		P	In no case shall an outdoor fireplace be placed closer than five (5) feet to any property line.
Patios		P	P			In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas			P			Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. In no case shall porches or porticos extend more than fifteen (15) feet from the exterior wall. Handrails and guardrails shall conform to Village Building Code Regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Private swimming pools and hot tubs			P			Pools are to be placed in rear yards only. In no case shall a pool be placed closer than five (5) feet to any property line, including transitional grading, accessory items such as pavers or concrete, and equipment.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Sculptures	P	P	P	P	P	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
Trellises	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.

2. Commercial Zoning Districts:

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village's Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards in lots commercially zoned (B-1, B-2, B-3, B-4, and B-5) as specified:

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Accessory structures, including but not limited to: accessory sheds, carports, detached garages, equipment shelters, and playhouses			P			See additional regulations in Section III. I.
Arbors	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Awnings, canopies, marquees and other projections that create shaded and protected entrances	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of the side or rear property line. Awnings and canopies with signage must conform to the <u>Sign Regulations in Section IX.</u>
Balconies	P		P	P	P	Not projecting more than five (5) feet into a required yard.
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into a required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet.
Fences and walls		P	P			See additional regulations within Section III.J.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three-and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to; air conditioning units/ shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line. Equipment shall be screened to comply with the Village Landscape Ordinance.
Patios	P	P	P	P	P	In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. Handrails and guardrails shall conform to Village Building Code Regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Projecting blade signs	P	P	P	P	P	See additional regulations in Section IX.
Sculptures	P	P	P	P	P	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
Trellises	P	P	P	P	P	

a. Additional Allowable Encroachments:

In commercially zoned lots (B-1, B-2, B-3, B-4, and B-5) that front streets or major interior access lanes, front yard areas will be primarily used for landscaping and other pedestrian-oriented uses including:

- (1) Widened sidewalks and entranceways;

- (2) Plazas, outdoor gardens, patios, and outdoor seating areas;
- (3) Water features, including bioswales or other stormwater management elements;
and
- (4) Public art or outdoor architectural features like clock towers, pergolas, etc.

It is the intent of this Ordinance to help create a stronger pedestrian scale. As such, in addition to the design elements specifically permitted above, other architectural or landscape features not enumerated herein that create a stronger pedestrian connection may be permitted to extend into the required yard up to ten (10) feet. These encroachments may be approved by the Plan Commission during Site Plan Approval.

3. Industrial Zoning Districts:

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village's Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards, in lots industrially zoned (ORI, M-1, and MU-1) as specified:

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Accessory structures, including but not limited to: accessory sheds, carports, detached garages, equipment shelters, and playhouses			P			See additional regulations in Section III. I.
Arbors	P		P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Athletic courts, including but not limited to: basketball or tennis courts			P			All athletic court areas shall be subject to Village review to ensure the court is properly designed, graded, and constructed. In no case shall an athletic court be placed closer than fifteen (15) feet to any property line.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Awnings, canopies, and other projections that create shaded and protected entrances	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of the side or rear property line. Awnings and canopies with signage must conform to the Sign Regulations in Section IX.
Balconies	P		P	P	P	Not projecting more than five (5) feet in front yards.
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into a required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet.
Fences and walls		P	P			See additional regulations within Section III.J.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three- and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to: air conditioning units/ shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line. Equipment shall be screened to comply with the Village Landscape Ordinance.
Patios	P	P	P	P	P	In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. Handrails and guardrails shall conform to Village Building Code regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Projecting blade signs	P	P	P	P	P	See additional regulations in Section IX.
Sculptures	P	P	P	P	P	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
Trellises	P	P	P	P	P	

I. ACCESSORY STRUCTURES AND USES

1. All accessory structures shall be subject to the following:
 - a. Accessory structures and uses shall be compatible with the principal use;
 - b. Accessory structures and uses shall not be established prior to the establishment of the principal use;
 - c. Accessory structures which are structurally attached to a main or principal building shall be subject to all regulations of this Ordinance and the Village Building Code which are applicable to the principal building;
 - d. Accessory structures shall not be located less than ten (10) feet from a principal building unless the accessory structure meets all regulations of this Ordinance and the Village Building Code which are applicable to the principal building;
 - e. When a side yard is required, no part of any accessory structure shall be located closer than five (5) feet to the side lot line along such side yard; and
 - f. When a rear yard is required, no part of any accessory structure shall be located closer than five (5) feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard.
2. Residential accessory structures serving single- or two-family residences in any Residential Zoning District, and all accessory structures in the R-1 through R-5 Zoning Districts, inclusive, shall conform to the following:
 - a. All conditions of Subsection III.I.1 above must be satisfied;
 - b. The maximum floor area shall be seven hundred twenty (720) square feet;
 - c. The maximum height shall be eighteen (18) feet to the peak of the structure;
 - d. The pitch of the roof shall be found by the Zoning Administrator to be architecturally compatible with the pitch of the main roof element of the principal structure, provided that subsection (c) above shall be met;

- e. Detached or attached garages and accessory structures shall not be utilized as living space;
 - f. Detached or attached garages and accessory structures shall not be utilized for any business related activity; and
 - g. Detached garages and accessory structures shall not be serviced by water, sanitary sewer, or natural gas.
3. Second detached garages serving single- or two-family residences in any Residential Zoning District and in the R-1 through R-5 Zoning Districts, inclusive, shall conform to the following:
- a. All conditions of Subsections III.I.1 and III.I.2 above must be satisfied for each garage;
 - b. The property must be a minimum of fifteen thousand (15,000) square feet in lot area and ninety (90) feet in lot width; and
 - c. Both garages must be fully accessible by way of a driveway in conformance with Section 309 of the Village Building Code.

J. FENCE REGULATIONS

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; and
 - (2) Fences two feet (2') in height or less.

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	Fence Permitted at or behind Required Setback Line. See also 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	Fence Permitted at or behind Required Setback Line. See also 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. See also Section III.J.3.	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line. See Section III.J.3.b.
Corner Through Lot	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line. See Section III.J.3.b.
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.
- (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.

- (3) Clear Vision Triangle: Fences shall not obstruct sight lines and/or cause a negative impact to safety of pedestrians or vehicles. A clear vision triangle must be maintained.

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 an 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) Chain-link without slats (can be coated or uncoated)
- (viii) Perimeter fencing (stone or concrete)
- (ix) Similar materials, as approved by the Zoning Administrator or their designee

(4) Prohibited Materials:

- (i) Chain-link with slats
- (ii) Glass and other reflective materials
- (iii) 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.

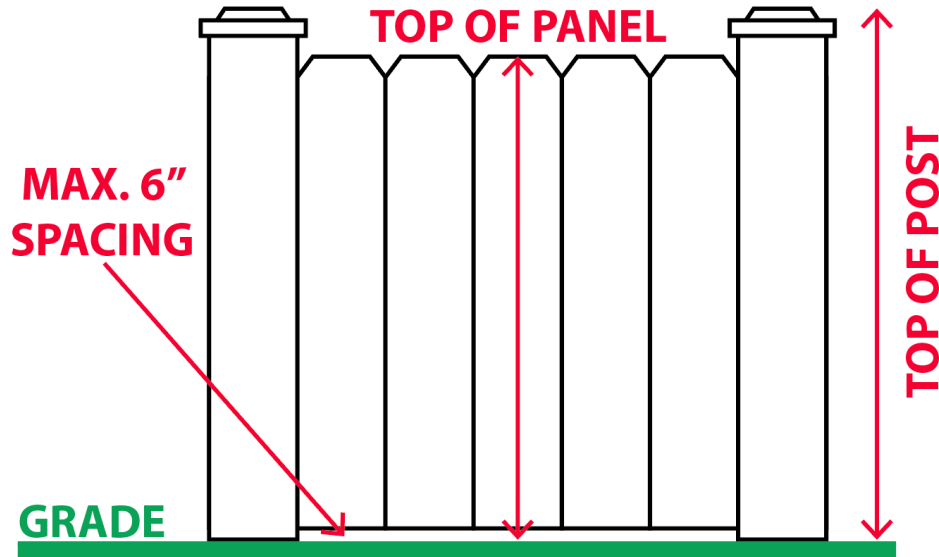
- (7) Fencing shall be uniform in color.

c. Maximum Height (see graphic)

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

(2) Top of Panel: six feet (6') when measured from grade.

(3) Spacing Between Grade and Bottom of Panel: maximum of six inches (6").

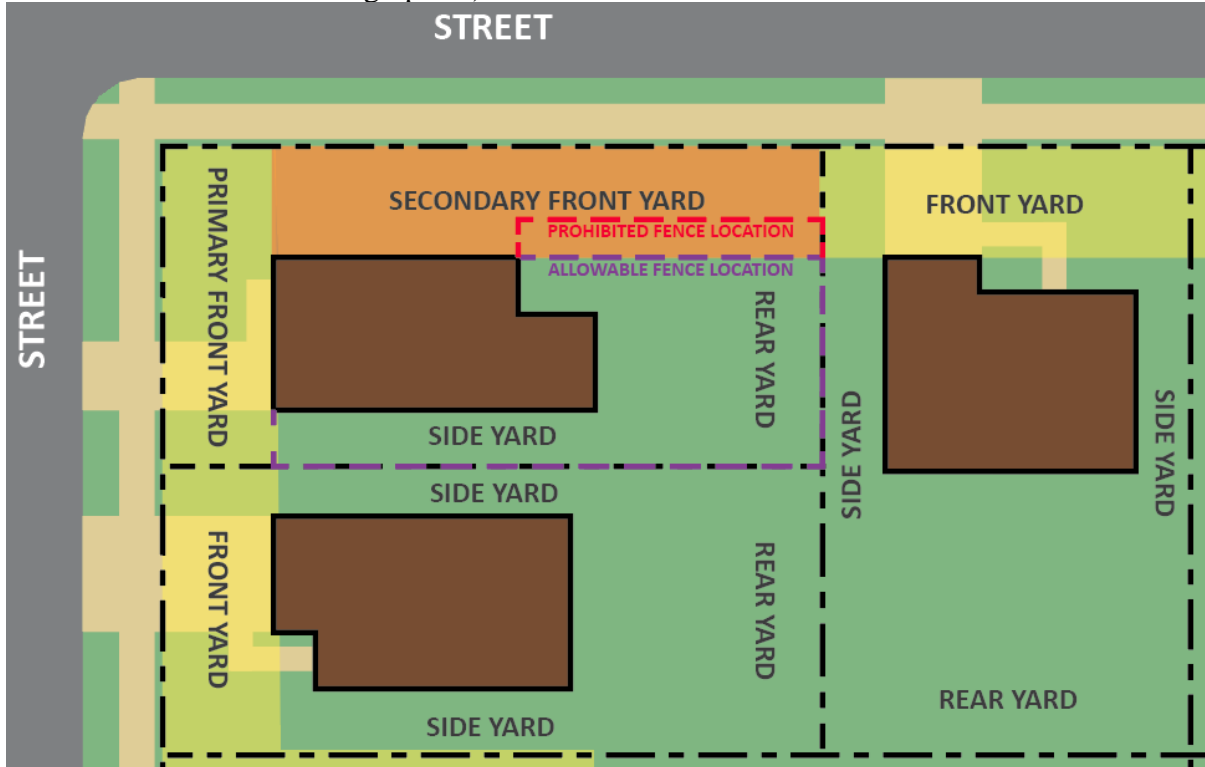


3. Administrative Approvals: The Zoning Administrator or their designee may grant administrative approval for a fence in the following circumstances:

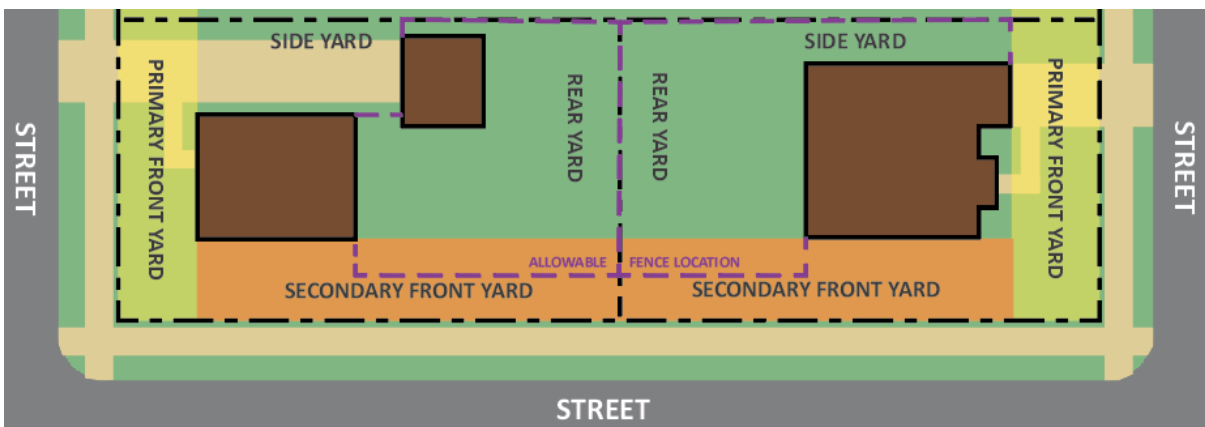
a. Secondary Front Yard

- (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 five feet, six inches (5'6") at the top of the posts and five feet (5') 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



Graphic: Allowable Fence Location in Secondary Front Yard

- (2) In the instance that a residential structure is nonconforming to the required front yard setback, a fence may be permitted to encroach into the required front yard setback to align with the established setback of the residential structure, provided that:
- (i) The fence meets all provisions within Section III.J.2.b. and III.J.2.c.; and

- (ii) The fence does not obstruct sight lines that may cause a negative impact to safety of pedestrians or vehicles.

b. Through Lot

- (1) A fence may be permitted to be constructed along a property line that directly abuts a public right-of-way or private street if the Zoning Administrator or their designee determines that the lot line should be considered a side or rear lot line based on the adjacent established development pattern, provided that:

- (i) The fence meets all provisions within Section III.J.2.b. and III.J.2.c.; and
- (ii) The fence does not obstruct sight lines that may cause a negative impact to safety of pedestrians or vehicles.

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: Fences 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: Fences constructed without a permit. Such fences shall be immediately removed by the property owner or a variation (in accordance with Section X.G. of the Zoning Ordinance) must be obtained.

6. Appeals and Variations: If the Zoning Administrator or their designee denies a fence as proposed, the Petitioner may appeal the denial before the Zoning Board of Appeals as outlined within Section X.F. of the Zoning Ordinance. A Petitioner may also submit a request for a variation as outlined within Section X.G. of the Zoning Ordinance.

K. TEMPORARY BUILDINGS

Temporary buildings for construction purposes may be allowed in any zoning district for a period not to exceed the completion date of such construction.

L. FLOODPLAIN AREAS

No building shall be erected in areas subject to flooding, as determined in the floodplain maps (Tinley Park Quadrangle) of the Northeastern Illinois Planning Commission, unless suitable provisions for drainage are approved and constructed in accordance with the requirements of the Village's Floodplain Ordinance - Ordinance No. 73-0-003.

M. USES NOT SPECIFICALLY PERMITTED IN DISTRICTS

When a use is not specifically listed in the sections devoted to permitted uses, such uses are hereby expressly prohibited, unless by written decision of the Zoning Administrator it is determined that said use is similar to and not more objectionable than other uses listed. Such uses may then be permitted.

N. EXEMPTIONS

The regulations of this Ordinance do not specify or regulate the type or location of poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, and other similar distributing equipment; regulator and compressor stations, and the underground storage of gas from a public utility or a natural gas company including facilities and exploratory and operating wells; or a public utility or natural gas company for telephone or other communications, electric power, gas, water, and sewer lines, provided that installation shall conform with rules and regulations of the applicable administrative authorities nor the location, use or occupancy of publicly-owned land, structures or installations of any kind whatsoever.

O. OPEN STORAGE AND OUTDOOR SALES DISPLAYS

1. Open Storage:

- a. The purpose and intent of the regulations established herein is to provide development and environmental performance standards for controlling the development and use of open storage areas so that such uses can be established and operated in the Village of Tinley Park without adversely affecting neighboring development or existing environmental conditions; and
- b. All open storage, as defined in Section II, shall be subject to the following:

General Requirements:

- (1) Zoning Districts Allowed: The following table shall govern the zoning districts in which open storage is allowed and to what level:

Level	R-1 through R-7	B-1 through B-5	ORI	M-1	MU-1
Level 1	X	X	P	P	P
Level 2	X	X	S	P	P
Level 3	X	X	X	S	S
Level 4	X	X	X	X	X

P = Permitted (with conditions) S = Special Use X = Prohibited

Open storage requests that require a Special Use Permit should refer to Section X.J of the Village's Zoning Ordinance regarding the Special Use application process.

- (2) Location: Open storage shall not be located in any front or corner side yard. No open storage shall be permitted to occur in areas designated for parking, driveways, or walkways;
- (3) Maximum Lot Coverage: The following table shall govern the maximum lot area for the use of open storage within zoning districts:

Level	R-1 through R-7	B-1 through B-5	ORI	M-1	MU-1
Level 1	X	X	15%	30%	30%
Level 2	X	X	15%	30%	30%
Level 3	X	X	X	30%	30%
Level 4	X	X	X	X	X

X = Prohibited

- (4) Proximity to Residential Zones: If a Residential District abuts the property, the open storage area shall be set back from the property line on such side a minimum of fifty (50) feet in addition to the mandatory screening enumerated below.
- (5) Screening:
- (A) Fence:
- (i) Material: Shall be constructed in compliance with Section 311.C.1 of the Village Building Code;
- (i.a) Chain link fencing to be concealed with landscaping, and placed on the exterior side of the fence to conceal from the street side or residential neighborhoods;

(ii) Opacity: Shall be a solid, one hundred (100) percent opaque wall or fence. Chain link fencing may be used in conjunction with landscaping to achieve one hundred (100) percent opacity if approved by the Village;

(iii) Height: Shall be a minimum of six (6) feet and maximum of eight (8) feet in height measured from ground level to the top of the fence; and

(iv) Gate/Doors: Shall be visually consistent with the fence or wall and secured.

(B) Landscape:

(a) Refer to §158.18.12 of the Village Landscape Ordinance for open storage landscaping requirements.

(6) Environmental Performance:

(A) Nuisance: All open storage shall be in compliance with the nuisance regulations enumerated in Title IX, Chapter 98 of the Tinley Park Municipal Code;

(B) Stormwater Runoff: Fertilizers, pesticides, and any other agent which could potentially pose a threat to water quality shall be properly stored in containers that prevent the infiltration of these agents into the stormwater system;

(C) Windborne Agents: The open storage of materials which have a tendency to become windborne such as powder, grain, stone, sand, salt, and coal is prohibited unless securely covered and contained;

(D) Organic Materials: Any open storage of decomposed, fetid, or putrescent matter shall be removed and disposed of if determined to be a nuisance, and in such manner as not to cause a nuisance and to avoid the unnecessary raising of dust or noxious material;

(E) Lighting: Any lighting of open storage areas shall be directed in a manner as to prevent spillover onto surrounding properties; and

(F) Subject to Inspection: Any open storage shall be subject to inspection by the Fire Prevention Bureau as enumerated in Ch. VII, Sec. 700.A.1 of the Village Building Code.

2. Level 1 Open Storage:

Submission Requirements:

- a. A dimensioned sketch or drawing of the proposed location of the open storage area and any additional alterations to the site;
- b. Fencing specifications including height, material, color, and style;
- c. Location, quantity, size, and type of proposed landscaping on a Site Plan, showing its relation to other site features such as utilities and easements; and
- d. Description of materials to be stored.

Approval:

- a. Subject to review by the Building and Planning Departments.

Conditions of Operation:

- a. Shall be stored in the rear of the property not in a public drainage and utility easement or in an area that will negatively impact overland drainage; and
- b. Level 1 Open Storage is intended to allow for vehicles or equipment essential to the day-to-day operation of a business. Vehicles exceeding eight thousand (8,000) pounds or equipment not essential to business operations shall be excluded from Level 1 Open Storage.

3. Level 2 Open Storage:

Submission Requirements:

- a. A dimensioned sketch or drawing of the proposed location of the open storage area and any additional alterations to the site;
- b. Fencing specifications including height, material, color, and style;
- c. Location, quantity, size, and type of proposed landscaping on a Site Plan, showing its relation to other site features such as utilities and easements; and
- d. Description of materials to be stored.

Approval:

- a. Subject to review by the Building and Planning Departments.

4. Level 3 Open Storage:

Submission Requirements for Site Plan Approval Application:

- a. A Special Use Permit application that fulfills the provisions within Section X.J of the Tinley Park Zoning Ordinance; and
- b. Description of materials to be stored.

Approval:

- a. All Level 3 Open Storage areas shall be subject to Site Plan and Special Use Permit approvals. A Site Plan Approval application must be reviewed and approved by the Village of Tinley Park Plan Commission. A Special Use Permit application must be reviewed by the Plan Commission and receive approval by the Village Board.

5. Level 4 Open Storage:

Conditions of Operation:

- a. Shall be prohibited within all zoning districts. The storage of junk, used lumber, or metal, refuse, scrap, disabled, or damaged motor vehicles not awaiting immediate repair, must be accommodated within a structure and in compliance with all other Village Code requirements.

Exemptions:

- a. The provisions and regulations of this Section III.N.1 shall not apply to governmental service uses.

6. Outdoor Sales Display Standards:

- a. Intent: The intent of the Outdoor Sales Display Standards is to permit the use of outdoor areas for display and sales of merchandise, but to ensure that such displays are sensitive to the character of the Village and do not jeopardize the health, safety, and welfare of the people within the Village of Tinley Park. Outdoor sales display areas shall be categorized as Level 1, Level 2, or Level 3 in accordance with the regulations within this Section.
- b. Applicability:
 - (1) Outdoor areas that a business or organization wants to use on a regular or seasonal basis for outdoor sales displays shall meet the regulations within this Section.
 - (2) This Section does not include outdoor sales display related to automotive dealerships.
- c. Requirements for Level 1 Outdoor Sales Display:

(1) Description of Level 1 Outdoor Sales Display: Level 1 Outdoor Sales Display 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.

(2) Approval:

(A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:

- (i) Application form
- (ii) Plat of Survey or dimensioned Site Plan
- (iii) Dimensioned plans showing the display area
- (iv) Information about what types of products will be displayed
- (v) Display time plan outlining when the outdoor display period will occur

(B) The Zoning Administrator or their designee shall review the application and determine if the criteria within this Section have been met.

(C) Fees: The fees for Level 1 Outdoor Sales Displays shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

(3) Location:

(A) Zoning:

- (i) Outdoor sales displays are limited to non-residential properties and mixed-use properties.

(B) Accessibility:

- (i) An outdoor sales display area shall not block any accessibility ramp, parking space, door, fire hydrant, drive aisle, or driveway.
- (ii) A minimum of thirty-six inches (36") shall be maintained for sidewalks and pedestrian ways in front of the outdoor sales display area.

(C) Setbacks:

- (i) Front Yard: An outdoor display area can encroach up to five feet (5') into the required front yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
- (ii) Side and Rear Yards: An outdoor display area shall meet the accessory structure side yard and rear yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.

(D) Proximity to Primary Structure:

- (i) An outdoor sales display area shall be fifteen feet (15') or less from the façade of the primary structure.

(E) Placement:

- (i) An outdoor sales display area shall be located at grade level and shall not be allowed on top of the roof.
- (ii) An outdoor sales display shall not create any visibility hazard or obstruction to vehicles or pedestrians.
- (iii) An outdoor sales display area shall be located on the same parcel as the principal structure.

(4) Size:

(A) Maximum Area:

- (i) 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.
- (ii) If the tenant has both Level 1 and Level 2 displays: The total combined area of all Level 1 and Level 2 outdoor display areas shall not exceed twenty-five percent (25%) of the tenant frontage of the tenant space to which the outdoor display area is associated.

(B) Maximum Height:

- (i) Products displayed outside the principal structure shall not exceed ten feet (10') in height.

(5) Time for Display:

- (A) Outdoor sales displays for seasonal garden items shall occur only between April 15th and October 15th of each year, unless otherwise approved in writing by the Zoning Administrator or their designee.
- (B) Outdoor sales displays for special sales may be displayed for up to seven (7) days at a time and shall be allowed up to six (6) times per year; however, there must be at least three (3) weeks between special sale displays.
- (C) Outdoor sales displays shall only be displayed outside the tenant space during the business or organization's hours of operation, unless otherwise approved in writing by the Zoning Administrator or their designee.

d. Requirements for Level 2 Outdoor Sales Display:

- (1) Description of Level 2 Outdoor Sales Display: Level 2 Outdoor Sales Display 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.

- (2) Approval:

- (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:
 - (i) Application form
 - (ii) Plat of Survey or dimensioned Site Plan
 - (iii) Dimensioned plans showing the display area
 - (iv) Information about what types of products will be displayed
 - (v) Display time plan outlining when the outdoor display period will occur
- (B) The Zoning Administrator or their designee shall review the application and determine if the criteria within this Section have been met.
- (C) Fees: The fees for Level 2 Outdoor Sales Displays shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

(3) Location:

- (A) Zoning:
 - (i) Outdoor sales displays are limited to non-residential properties and mixed-use properties.
- (B) Accessibility:
 - (i) An outdoor sales display area shall not block any accessibility ramp, parking space, door, fire hydrant, drive aisle, or driveway.
 - (ii) A minimum of thirty-six inches (36") shall be maintained for sidewalks and pedestrian ways in front of the outdoor sales display area.
- (C) Setbacks:
 - (i) Front Yard: An outdoor display area can encroach up to five feet (5') into the required front yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
 - (ii) Side and Rear Yards: An outdoor display area shall meet the accessory structure side yard and rear yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
- (D) Proximity to Primary Structure:
 - (i) An outdoor sales display area shall be fifteen feet (15') or less from the façade of the primary structure.
- (E) Placement:
 - (i) An outdoor sales display area shall be located at grade level and shall not be allowed on top of the roof.
 - (ii) An outdoor sales display shall not create any visibility hazard or obstruction to vehicles or pedestrians.
 - (iii) An outdoor sales display area shall be located on the same parcel as the principal structure.

(4) Size:

(A) Maximum Area:

- (i) The cumulative area of all Level 2 outdoor displays shall not exceed twenty percent (20%) of the tenant frontage of the tenant space to which the outdoor display area is associated.
- (ii) If the tenant has both Level 1 and Level 2 displays: The total combined area of all Level 1 and Level 2 outdoor display areas shall not exceed twenty-five percent (25%) of the tenant frontage of the tenant space to which the outdoor display area is associated.

(B) Maximum Height:

- (i) Products displayed outside the principal structure shall not exceed ten feet (10') in height.

(5) Time for Display:

- (A) Due to the nature of these types of goods, the display shall be permitted permanently unless otherwise noted in writing by the Zoning Administrator or their designee.

e. Requirements for Level 3 Outdoor Sales Display:

- (1) Description of Level 3 Outdoor Sales Display: Level 3 Outdoor Sales Display includes the display of goods that do not meet the regulations within the Level 1 or Level 2 Outdoor Sales Display herein 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.).

(2) Approval:

- (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:
 - (i) Application form
 - (ii) Plat of Survey or dimensioned Site Plan
 - (iii) Dimensioned plans showing the display area
 - (iv) Information about what types of products will be displayed
 - (v) Display time plan outlining when the outdoor display period will occur
- (B) The Village Planner or their designee shall review the application and present the information to the Plan Commission for approval.
- (C) Fees: The fees for Level 3 Outdoor Sales Displays shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

(3) Location:

(A) To be determined on a case-by-case basis by the Plan Commission.

(4) Size:

(A) To be determined on a case-by-case basis by the Plan Commission.

(5) Time for Display:

(A) To be determined on a case-by-case basis by the Plan Commission.

f. Signage:

(1) Any signage affiliated with an Outdoor Sales Display is subject to the regulations within Section IX of the Zoning Ordinance, as amended from time to time.

g. Appeals:

(1) Outdoor Sales Displays not meeting the regulations herein for Level 1 or Level 2 shall be automatically considered Level 3 and subject to Staff Review and Plan Commission Review.

(2) If the Plan Commission denies the Level 3 Outdoor Sales Display request, then the Applicant may appeal the Commission's decision to the Village Board.

h. Penalty:

(1) Outdoor sales displays without permits must be removed immediately upon notice of the violation.

(2) If an outdoor sales display is exhibited without a permit, then the business owner is subject to a fine equal to double the permit fee and a permit still must be obtained.

P. PORTABLE STORAGE DEVICES

1. Portable storage container units and devices shall include all types of storage devices and enclosed trailers with or without wheels.
2. Portable storage devices shall not be stored on any public street, alley, or public right-of-way in any zoning district.

3. Portable storage devices shall be maintained in good repair, structurally sound, and free from any graffiti or peeling paint.
4. Portable storage devices shall require a Temporary Use Permit, and shall be subject to the following regulations:

Residential Zoning Districts:

- a. No more than one (1) portable storage device, not exceeding outside dimensions of twelve (12) feet in length, eight (8) feet in width, and nine (9) feet in height, shall be permitted per zoning lot in all Residential Zoning Districts for no more than fourteen (14) days per calendar year, provided they are placed on and do not extend beyond a driveway surface and do not encroach across any public sidewalk or across any property line.

Commercial Zoning Districts:

- a. No more than one (1) portable storage device not exceeding outside dimensions of forty (40) feet in length, eight (8) feet in width, and nine (9) feet in height shall be permitted per zoning lot in all Commercial Zoning Districts for no more than thirty (30) days per calendar year. Such devices shall be placed on an impervious surface of concrete or asphalt, and shall not be located in any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance, or within any area that hinders access to parking spaces and/or drive aisles. Such storage devices shall not be stacked. Requests for more than one (1) such device require submission of a Site Plan for review and approval by the Zoning Administrator or his designee, prior to placing the units on the zoning lot.

Industrial Zoning Districts:

- a. No more than one (1) portable storage device not exceeding outside dimensions of forty (40) feet in length, eight (8) feet in width, and nine (9) feet in height shall be permitted per zoning lot in all Industrial Zoning Districts for no more than sixty (60) days per calendar year. Such devices shall be placed on an impervious surface of concrete or asphalt, and shall not be located in any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance, or within any area that hinders access to parking spaces and or access aisles. Such storage devices shall not be stacked. Such storage devices must be screened from view on all sides. Requests for more than one (1) such device require submission of a Site Plan for review and approval by the Zoning Administrator or his designee, prior to placing the units on the zoning lot:
- b. No more than two (2) semi-trailers, with or without tractors, can be stored outside of a loading dock for loading and unloading of goods or materials, for more than five (5) days; and
- c. Portable storage container units cannot be stacked.

Q. COLLECTION/DONATION DEVICES AND BOXES

1. Collection/donation devices (boxes) shall be prohibited within the Village of Tinley Park except as provided below:
 - a. An application letter and dimensioned Site Plan must be submitted for the approval by the Zoning Administrator or his designee. In the event this letter is being submitted by persons other than the owner of the subject property, a letter of authorization from the property owner must also accompany the application request;
 - b. The collection/donation device must be manned during normal business hours seven (7) days per week; and
 - c. The collection/donation device may not be located within any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance.

R. PARKING OF VEHICLES IN RESIDENTIAL ZONING DISTRICTS

1. The parking of vehicles in all Residential Zoning Districts shall comply with the following regulations:
 - a. Whenever a structure is erected, converted, or structurally altered for dwelling use, a minimum number of parking spaces shall be provided on the lot for each dwelling unit on the lot as required by Section VIII.A.10 of this Zoning Ordinance;
 - b. No vehicle shall be parked between the street and the front lot line. Parking of vehicles between the front line of any portion of the building and the front lot line shall be limited to private passenger automobiles not exceeding three-quarter (3/4) ton, except as specifically provided for elsewhere in this Ordinance;
 - c. No unlicensed, unregistered (Village sticker), or inoperable vehicle shall be permitted on any residential property for more than twenty-four (24) hours, unless it is in an enclosed garage; and
 - d. In Residential Zoning Districts, the following vehicles and equipment shall be stored only in a garage or fully enclosed structure:
 - i. Any truck or other type of commercial vehicle or equipment in excess of eight thousand (8,000) pounds;
 - ii. Vehicles requiring a Class D truck plate; and
 - iii. Trailers in excess of three thousand (3,000) pounds or requiring a Class TA trailer plate.

- e. No vehicle used for transporting flammable liquids, explosives, toxic, or noxious materials shall be parked or stored in a Residential Zoning District;
- f. Nothing in the provisions of this Ordinance shall be construed to prohibit trucks or other service vehicles from being parked on the premises temporarily for purposes of making deliveries or rendering service to the property owner;
- g. It shall be unlawful for any person to occupy or use any recreational vehicle for living or sleeping purposes upon any street, alley, lane, highway, municipal off-street parking lot, or other public place or upon any lot, piece, parcel, or tract of land within the Village of Tinley Park, except within a lawfully established and licensed recreational park, campground, or other like facility which is designed and equipped to operate for the purpose of providing temporary accommodations for such units, or as provided for hereinafter in Item h(5); and
- h. In all Residential Zoning Districts, it is permissible to park a recreational vehicle, trailer, or boat and trailer in the following manner:
 - (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zone where located;
 - (2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than two (2) feet to the lot line;
 - (3) Parking is permitted outside on a driveway, provided:
 - i. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard; a corner lot is always deemed to have reasonable access to the rear yard; a fence is not necessarily deemed to prevent reasonable access;
 - ii. Inside parking is not possible; and
 - iii. The unit is parked perpendicular to the front curb.
 - (4) No part of the unit may extend over the public sidewalk or public thoroughfare (right-of-way);
 - (5) Parking is permitted only for storage purposes, and any recreational vehicle or trailer shall not be:
 - i. Used for dwelling purposes except one unit for overnight sleeping of visitors for a maximum of three (3) days in any one calendar year. Cooking is not permitted at any time; butane or propane fuel shall not be used, and the host shall receive no compensation for such parking;

- ii. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging of batteries and other purposes provided the receptacle and connection from the recreational vehicle has been inspected and approved by the Village. This connection must meet the Electrical Code of the Village, and an Electrical Permit must be obtained for all such installations; and
 - iii. Used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.
- (6) Notwithstanding the provisions of Item 3, above, for purposes of active loading and unloading, a recreational vehicle may be parked anywhere on the premises normally deemed as parking space for private passenger automobiles; and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use;
- (7) Subject to the exceptions set forth herein, it shall be unlawful for any owner, lessee, or occupant of any lot, piece, parcel, or tract of land within the Village of Tinley Park, whether for gain, hire, reward, or gratuity, or otherwise, to permit the same to be occupied or used by any vehicle for living or sleeping purposes; and
- (8) Nothing in the provisions of this Ordinance shall be construed to prohibit the owner or operator of any recreational vehicle from parking or storing said unit upon premises owned, leased, or otherwise lawfully occupied or used by him, so long as such unit is not occupied or used for living or sleeping purposes in violation of the provisions of this section of the Ordinance, or any other applicable ordinance or regulation of the Village of Tinley Park.

S. PARKING OF VEHICLES IN BUSINESS DISTRICTS

The parking of vehicles in all business districts shall comply with the following regulations:

1. The parking regulations for dwellings are the same as those in the Residential Zoning Districts;
2. Where any structure is erected, reconstructed, or converted for any of the business purposes permitted in this Section, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each one hundred fifty (150) square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two (2) or more owners of buildings may join together in providing this parking space;
3. Outside parking or storage of any abandoned, damaged, inoperable, dismantled, or

unregistered vehicles for more than forty-eight (48) hours shall be prohibited in all automobile service stations; and

4. Parking of trailers or trucks not registered to the business is prohibited, except when located in an enclosed area that is adequately screened from public view.

T. REGULATION OF TRAFFIC AND PARKING ON PRIVATE PROPERTY

1. Any condominium development, apartment house, or apartment project containing ten (10) or more dwelling units shall enter into a contract with the Village that will permit the Police Department of Tinley Park to regulate traffic and access to the driveways and parking areas which are open to or used by the public, tenants, owners, guests, and employees. A written request by the owner or developer of the specific property shall be filed with the Village Clerk prior to the issuance of any Building Permits.
2. Any owner of any shopping center, business establishment, hospital, or school shall enter into a contract with the Village that will permit the Police Department of Tinley Park to regulate the parking of automobiles and the traffic at such parking areas. A written request by the owner or developer of the specific property shall be filed with the Village Clerk prior to the issuance of any Building Permits.
3. All regulations adopted and traffic control devices employed by the Village in the regulation of traffic on private drives and parking areas, or the parking of automobiles in parking lots of shopping centers, business establishments, apartment complexes or schools shall be consistent with the statutory provisions contained in chapter 95-1/2, Section 11-209 and 209.1 of the Illinois Municipal Code.

U. SITE PLAN REVIEW

No Building Permit shall be issued for the construction or alteration of any multi-family residence, business, office, or industrial building or structure until a Site Plan and Architectural Review has been reviewed by the Planning Department Staff and if required, approved by the Plan Commission. The filing fee for new site plan reviews and amendments (building additions, parking changes, landscape changes, architectural changes, etc.) shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

The Planning Department Staff shall review the site and architectural plans for conformance with this Ordinance and other Codes and Ordinances of the Village, and if required, shall make a report with recommendations to the Plan Commission. Plan Commission review is required if the proposed development requires zoning approval (Variation, Rezoning, Special Use Permit, Map Amendment, or Plat approval). For projects requiring Plan Commission review, after receiving the report of the Planning Department Staff, the Plan Commission shall approve the Site and Architectural Plans, with or without conditions, deny it, or refer it back to the Planning Department Staff for further study.

1. Site Plan Contents:

A Site Plan shall:

- a. Be drawn at a scale of 1" = 50' or larger;
- b. Show boundaries and dimensions graphically, contain a written legal description of the property, and indicate the date and north point;
- c. Show the present and proposed topography of the area by contour lines at one (1) foot intervals;
- d. Show, by use of directional arrow, the proposed flow of storm drainage from the site;
- e. Show the location of existing and proposed structures and indicate the number of stories, gross floor area, and entrances to all structures;
- f. Show the location and dimensions of existing and proposed curb cuts, aisles, off-street parking, loading spaces, and walkways;
- g. Indicate location, height, and material for screening walls and fences;
- h. List the type of surfacing and base course proposed for all parking, loading, and walkway areas;
- i. Describe the proposed use of the site and list the number of required off-street parking spaces. If the exact use is not known at the time of Site Plan submittal, off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use group;
- j. Show the proposed location, indicate direction, and list amount of illumination of proposed lighting facilities; and
- k. Show location of each outdoor trash storage area.

2. Architectural Plan Contents:

An Architectural Plan shall:

- a. Be drawn at a scale of 1/8"=1' 0" or larger;
- b. Provide exterior elevations of all sides of the proposed structure with dimensions;
- c. Identify all building materials along with their specifications; and
- d. Provide building samples as requested by staff.

3. Conditions of Approval:

If Plan Commission review is required, the Planning Department Staff shall first find that the following conditions have been met:

- a. That the proposed Use is a Permitted Use in the district in which the property is located;
- b. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;
- c. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient, and convenient movement of traffic, not only

- within the site but on adjacent roadways as well;
- d. That the Site Plan provides for the safe movement of pedestrians within the site;
- e. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the Site Plan area not used for buildings, structures, parking, or access-ways shall be landscaped with a mixture of grass, trees, and shrubs;
- f. That all outdoor trash storage areas are adequately screened; and
- g. That staff has reviewed the Architectural Plans against the Architectural and Site Design Standards and found them to be in general conformance.

4. Assurance of Performance:

At the recommendation of the Plan Commission, the Village Board may require the applicant to file with the Village Clerk a performance bond as a condition of approval to ensure completion of approved landscaping, fencing, off-street parking and loading, drainage, and other specific items of the Site and/or Architectural Plans. The amount of the performance bond shall be determined by the Village Board. If, upon inspection of the completed project it is found that the conditions of the Site and/or Architectural Plans have been met, the performance bond shall be released to the applicant. If the applicant does not comply within a reasonable time with the conditions of the Site and/or Architectural Plans, the Village Clerk shall give written notice to the applicant and the bonding company. (Reasonable time shall be determined by the life of the performance bond as stated thereupon, less sixty (60) days.) If the conditions of the Site and/or Architectural Plans have not been met thirty (30) days prior to the expiration of the performance bond, the Village shall bring such action as is necessary to ensure completion of the Site and/or Architectural Plan conditions. However, if the applicant can show that he has tried to the utmost of his ability to meet the conditions of the Site and/or Architectural Plans within the time period allotted, but that adversities not of his making have been the cause of his failure to meet the Site and/or Architectural Plan conditions, the Village Board may require that the performance bond be extended for a specified period of time.

5. Time Limitation:

If no Building Permit is issued for the site within one (1) year from the date of Site/Architectural Plan Approval, the Site/Architectural Plan shall become null and void.

6. Architectural and Site Design Standards:

These design standards serve as a tool to encourage good architectural and site design that is cost effective yet contributes in a positive way to the overall quality aesthetic of Tinley Park. In addition to addressing architecture, building materials, and site design, the Village regulates landscape and lighting design through the Zoning Ordinance and Municipal Code. The Architectural and Site Design Standards shall be used in tandem with these other design regulations.

The following standards do not prescribe a certain architectural style; their intent is to encourage architects and builders to fill the gap between general planning policies and specific zoning standards and encourage creative interpretation by developers and architects, resulting in a design that exceeds minimal standards. Buildings should be attractive and memorable for all the right reasons; quality architecture remains the best signage for any business.

The following design standards apply to all non-residential development (including multi-family developments of 3 or more units):

Architecture

- a. Building Materials: The size of the structure will dictate the required building materials (Section V.C. Supplementary District Regulations). Where tilt-up or pre-cast masonry walls (with face or thin brick inlay) are allowed vertical articulation features are encouraged to mask the joint lines. Concrete panels must incorporate architectural finishes that comply with “Building Articulation” (Section III.U.5.h.) standards. Cast in place concrete may be used as an accent alternate building material (no greater than 15% per façade) provided there is sufficient articulation and detail to diminish it’s the appearance if used on large, blank walls.
- b. Cohesive Building Design: Buildings must be built with approved materials and provide architectural interest on all sides of the structure. Whatever architectural style is chosen, a consistent style of architectural composition and building materials are to be applied to all building facades.
- c. Compatible Architecture: All construction, whether it be new or part of an addition or renovation of an existing structure, must be compatible with the character of the site, adjacent structures, and streetscape. Avoid architecture or building materials that significantly diverge from adjacent architecture. Maintain the rhythm of the block in terms of scale, massing, and setback. Where a development includes outlots they shall be designed with compatible and consistent architecture with the primary building(s). Site lighting, landscaping, and architecture shall reflect a consistent design statement throughout the development.
- d. Color: Color choices shall consider the context of the surrounding area and shall not be used for purposes of “attention-getting” or branding of the proposed use. Color choices shall be harmonious with the surrounding buildings; excessively bright or brilliant colors are to be avoided except to be used on a minor scale for accents.
- e. Sustainable architectural design: The overall design must meet the needs of the current use without compromising the ability of future uses. Do not let the current use dictate an architecture so unique that it limits its potential for other uses (i.e. Medieval Times).

- f. Defined Entry: Entrance shall be readily identifiable from the public right-of-way or parking fields. The entry can be clearly defined by using unique architecture, a canopy, overhang or some other type of weather protection, some form of roof element, or enhanced landscaping.
- g. Roof: For buildings 10,000 square feet or less, a pitched roof is required or a parapet that extends the full exterior of the building. For buildings with a continuous roof line of 100 feet or more, a change of at least five feet in height must be made for every 75 feet.
- h. Building Articulation: Large expanses of walls void of color, material, or texture variation are to be avoided. The use of material and color changes, articulation of details around doors, windows, plate lines, the provision of architectural details such as “belly-bands” (decorative cladding that runs horizontally around the building), the use of recessed design elements, exposed expansion joints, reveals, change in texture, or other methods of visual relief are encouraged as a means to minimize the oppressiveness of large expanses of walls and break down the overall scale of the building into intermediate scaled parts. On commercial buildings, facades greater than 100 feet must include some form of articulation of the façade through the use of recesses or projections of at least 6 inches for at least 20% of the length of the façade. For industrial buildings, efforts to break up the long façade shall be accomplished through a change in building material, color or vertical breaks of three feet or more every 250 feet.
- i. Screen Mechanicals: All mechanical devices shall be screened from all public views.
- j. Trash Enclosures: Trash enclosures must be screened on three sides by a masonry wall consistent with the architecture and building material of the building it serves. Gates must be kept closed at all times and constructed of a durable material such as wood or steel. They shall not be located in the front or corner side yard and shall be set behind the front building façade.

Site Design

- a. Building/parking location: Buildings shall be located in a position of prominence with parking located to the rear or side of the main structure when possible. Parking areas shall be designed so as to provide continuous circulation avoiding dead-end parking aisles. Drive-through facilities shall be located to the rear or side of the structure and not dominate the aesthetics of the building. Architecture for canopies of drive-through areas shall be consistent with the architecture of the main structure.
- b. Loading Areas: Loading docks shall be located at the rear or side of buildings whenever possible and screened from view from public rights-of-way.
- c. Outdoor Storage: Outdoor storage areas shall be located at the rear of the site in accordance with Section III.O.1. (Open Storage). No open storage is allowed in front or

corner side yards and not permitted to occupy areas designated for parking, driveways, or walkways.

- d. Interior Circulation: Shared parking and cross access easements are encouraged with adjacent properties of similar use. Where possible, visitor and employee traffic shall be separate from truck or equipment traffic.
- e. Pedestrian Access: Public and interior sidewalks shall be provided to encourage pedestrian traffic. Bicycle use shall be encouraged by providing dedicated bikeways and parking. Where pedestrians or bicycles must cross vehicle pathways, a crosswalk shall be provided that is distinguished by a different pavement material or color.

V. SPECIAL PROVISION PRESERVING CERTAIN RIGHTS

Special provision is hereby established preserving the rights established in unexpired annexation agreements and Ordinances No. 74-0-015, No. 74-0-016, and No. 74-0-017.

W. REGULATIONS FOR PERSONAL WIRELESS SERVICE FACILITIES

1. Purpose and Intent

- a. Promote the health, safety, and general welfare of the public by regulating the siting of wireless communications facilities and antennae;
- b. Minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility with existing telecommunication services;
- c. Encourage the location and Co-Location of wireless communications equipment on existing structures, thereby minimizing visual, aesthetic, and public safety impacts and effects and reducing the need for additional antenna supporting structures;
- d. Accommodate the growing need and demand for wireless communications services;
- e. Encourage coordination between providers of wireless communications services in the Village;
- f. Protect the character, scale, stability, and aesthetic quality of the residential districts of the Village by imposing certain reasonable restrictions on the placement of residential communication facilities;
- g. Establish predictable and balanced regulations governing the construction and location of wireless communications facilities;

- h. Provide for the removal of discontinued antenna supporting structures.

2. Exemptions

- a. The Village is exempt from the regulations herein when there is a demonstrated need for telecommunication services provided by the Village.
- b. Any Small Cell Wireless Facility subject to the Illinois Small Wireless Facilities Deployment Act shall be exempt from these regulations except that the installations shall comply with the Design Standards located in Section III.W.5.c of the Zoning Ordinance (Small Cell Wireless Facility Design Standards) below. Alternatively, such Small Cell Wireless Facilities shall be subject to the regulations in Title IX, Chapter 106 of the Village's Code of Ordinances.

3. General Regulations:

- a. All privately-owned Towers, Antennas, and related components shall not interfere with public safety communications infrastructure.
- b. The Petitioner shall demonstrate that the proposed Antenna(s) and support structure(s) are safe, and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris.
- c. All TCSF support structures shall be fitted with anti-climbing devices, as approved by the manufacturer;
- d. All Towers and Antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and Antennas;
- e. A TCSF shall not have signage or advertising other than signage required by state and federal laws, rules or regulations;
- f. Co-Location and Location on Existing Structures Preferred: In order to minimize adverse visual impacts associated with the proliferation of Towers, Co-Location of Antennas by more than one provider on existing Towers and location of Antennas on existing buildings or structures shall take precedence over the construction of new Freestanding Cell Towers. If a new, Freestanding Cell Tower is proposed, a Special Use Permit shall not be granted unless the Petitioner demonstrates, compliance with the following:
 - (1) A diligent effort has been made to locate the Antenna on an existing Freestanding Cell Tower, building or structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;

- (2) Covenants shall be recorded which require that the Petitioner allow, on a commercially reasonable basis, other providers of personal wireless service facilities and other Antennas to Co-Locate on the proposed Freestanding Cell Tower, where such Co-Location is technologically feasible; and
 - (3) The Site Plan for the construction of a new Freestanding Cell Tower shall delineate an area, either on site or on adjacent property, near the base of the Tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new Freestanding Cell Tower is adequate to allow Co-Location on such site, the Petitioner must allow, on a commercially reasonable basis, other providers to locate on site.
- g. Structural Integrity: A TCSF, including Antenna(s), other component parts, and all related equipment anchorage, shall be designed to withstand the wind force referenced in the applicable building and/or electrical codes currently adopted by the Village including loading without the use of guy wires and including the Telecommunications Industry Association Standards (TIA-222-H, as amended from time to time). As part of the permit application process, the Petitioner shall provide the Village with a structural evaluation of each specific location establishing that the proposed installation meets or exceeds the standards described herein. The evaluation shall be prepared by a structural engineer licensed in the State of Illinois with drawings sealed with a professional seal and including geotechnical verification of the structural design.
- h. Abandonment:
 - (1) In the event the use of a TCSF is discontinued for a period of sixty (60) consecutive days, the TCSF shall be deemed to be abandoned. The equipment owner/operator and the property owner shall notify the Community Development Director of its discontinuation. The Community Development Director or their designee shall determine the date of abandonment based on documentation required from the TCSF owner/operator, property owner, or other appropriate sources. Upon abandonment, the TCSF owner/operator shall have an additional sixty (60) days within which to:
 - i. Reactivate the use of the TCSF either by said owner/operator or transfer of the Tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the TCSF to another owner/operator shall not require Special Use Permit approval provided use of the TCSF is re-activated within the sixty (60) day period, and that the use of the TCSF complies with all conditions of the original Special Use Permit approval and the terms of this Ordinance;
 - ii. Dismantle and remove the TCSF at which time any Special Use Permit approval shall become null and void; and
 - iii. Request approval from the Village Board to allow the abandoned TCSF to remain for a specified period of time. If said approval is granted, the TCSF shall be reactivated or removed within the time period approved by the Village Board

as per regulations herein.

4. Regulations for Locating TCSF

- a. Hierarchy of TCSF Locations: In accordance with Section III.W.3.f (Co-Location and Location on Existing Structures Preferred) of the Zoning Ordinance, the Petitioner must perform their due diligence and demonstrate there are no suitable Co-Location opportunities available on existing TCSF locations. Such Co-Location shall be permitted uses subject to Site Plan approval and regulations provided herein. If no such locations exist, then a new TCSF location, including new Freestanding Cell Towers, shall be sited in accordance with Section III.W.4.c (Location Requirements for New TCSF Locations) of the Zoning Ordinance below.
- b. Location Requirements for TCSF Co-Locations
 - (1) Antennas shall be attached to existing Freestanding Cell Towers or on existing non-residential structures. Existing non-residential structures include tall buildings, water towers and utility structures such as electrical towers used to support the new Antennas. New support poles may be installed within an existing non-residential structure's dimensions with Site Plan approval.
 - (2) Attachment to Existing Freestanding Cell Tower: Antennas shall not project above the top of the monopole and shall not interfere with other Antennas on the monopole.
 - (3) New ground equipment and structures shall meet the requirements of new equipment in Section W.4.c.(2) of the Zoning Code listed below.
 - (4) Attachment to Existing Non-Residential Building:
 - i. Antennas shall only be permitted on the rear and side walls of a building.
 - ii. Antennas attached to an existing building shall not exceed one foot (1') above the top parapet of the building. Antennas shall not project more than one foot (1') from the side of a building.
 - iii. Antennas shall be made to blend into the architecture of the building.
 - (5) Approval for Antenna Co-Location on Existing Freestanding Cell Tower or Existing Structure
 - i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission if the Co-Location involves changes to ground equipment that would alter the existing footprint of the existing ground equipment enclosure.
 - ii. If located on Village property the Petitioner must complete a lease

agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.

- iii. The Petitioner must obtain a Building Permit from the Community Development Department.

c. Location Requirements for New TCSF Locations

- (1) New Freestanding Cell Towers shall be sited in accordance with the hierarchy below.
 - i. A new Freestanding Cell Tower shall first be located on Village-owned property where there is likely to be less visual impact and more visual impact controls. If there are no sites available on Village-owned property, then a new Freestanding Cell Tower shall be located on property owned by a publicly-elected body or district (e.g. library district, park district, school district, etc.). The Petitioner must perform their due diligence and demonstrate there are no suitable locations available on Village-owned property.
 - ii. If there are no suitable sites available as listed in paragraph i in the hierarchy above, then a new Freestanding Cell Tower shall be located on property within the M-1 (General Manufacturing) Zoning District, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - iii. If there are no suitable sites available as listed in paragraphs i or ii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property within the ORI (Office and Restricted Industrial) Zoning District, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - iv. If there are no suitable sites available as listed in paragraphs i, ii, or iii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property in any Business district, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - v. All other locations (all residential zoning districts and within 1,000 feet of any

residential zoning district) for new Freestanding Cell Towers shall require the Petitioner perform due diligence and demonstrate that there are no locations available in the hierarchy of locations listed above. The petitioner shall demonstrate that they are utilizing the least visually obtrusive location. Location of new Freestanding Cell Towers in any Legacy District location is the least preferred location. Disguised Support Structures shall be required for all locations not listed in the hierarchy of locations (i-iv) above.

(2) Yards and Setbacks:

- i. A Freestanding Cell Tower and the associated ground equipment shall be permitted in a rear yard.
- ii. A Freestanding Cell Tower and the associated ground equipment must be set back at least ten feet (10') from the principal structure and ten feet (10') from property lines.

(3) Approval for New Freestanding Cell Towers

- i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- ii. The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
- iii. If located on Village property, the Petitioner must complete a lease agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.
- iv. The Petitioner must obtain a Building Permit from the Community Development Department.

d. Conditions for All TCSF Locations

(1) Maximum Height:

- i. A Freestanding Cell Tower's monopole may extend up to 100' from grade. A lightning rod may extend up to 5' above the top of the monopole.
- ii. Antennas attached to an existing Freestanding Cell Tower shall not project above the top of the monopole.

(2) Color:

- i. A Freestanding Cell Tower, Antennas, and all related equipment and appurtenances shall be a color that blends with the surroundings.

- ii. The use of reflective materials is prohibited.
 - iii. Any wiring shall be covered with an appropriate cover or cable shield. No wiring may be visible.
- (3) Future Co-Locations: All new Freestanding Cell Towers must allow for a minimum of one (1) Co-Location by other potential users.
- (4) Disguised Towers: The Village encourages the use of Disguised Support Structures on Freestanding Cell Towers such as flag poles, monopines, or architectural elements. Such Disguised Support Structures are required as described in Section III.W.4.c.(1).v. of the Zoning Code above.
- (5) Screening:
- i. The Freestanding Cell Tower shall be architecturally compatible with the surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
 - ii. All associated ground equipment shall be screened by a masonry shelter or enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity and aesthetic design of the enclosure.
 - iii. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

5. Regulations for Small Cell Wireless Facilities

a. Small Cell Wireless Facility Locations

- (1) Small Cell Wireless Facilities may be installed on existing Utility Poles in the public right-of-way compliance with the Village's Code of Ordinances.
- (2) When an existing Utility Pole does not exist in compliance with Section III.W.5.a.(1) of the Zoning Ordinance above, a Small Cell Wireless Facility shall require Special Use Permit approval.
- (3) Separation Requirement: Small Cell Wireless Facilities (not exempt from these regulations) shall be attached to a Utility Pole located a minimum of five hundred (500) feet from any other Utility Pole on which a Small Cell Wireless Facility is mounted. A lesser separation may be approved if the Petitioner provides evidence that the lesser separation is necessary to close a significant gap in the Petitioner's

services or to otherwise provide adequate services to customers, and the proposed Small Cell Wireless Facility location is the least intrusive means to do so.

b. Conditions

- (1) Maximum Number of Antennas: Not more than one (1) Small Cell Wireless Facility shall be located on a single pole or structure.
- (2) Surface Area of Antenna:
 - i. The Small Cell Wireless Antenna, including Antenna panels, whip Antennas or dish-shaped Antennas, shall not have a surface area of more than six (6) cubic feet.
 - ii. No single dimension of the Antenna or associated equipment shall exceed six (6) feet.
 - iii. Omnidirectional or whip Antennas shall not extend more than six (6) feet from the pole.

c. Design Standards

- (1) Overall Size: The smallest suitable small cell Antennas, equipment, and facilities available for industry use shall be utilized for all installations.
- (2) Stealth Requirement: The use of stealth technology in the location and construction of Small Cell Wireless Facilities is required. Stealth technology means using the least visually and physically intrusive design and equipment to employ methods that blend into surroundings and not be visible; and to minimize adverse aesthetic and visual impacts on the right-of-way, property, building and/or other facilities adjacent to, surrounding and in generally the same area as the requested location of such Small Cell Wireless Facilities.
- (3) Maximum Height: The top of the highest point of the Antenna shall not extend more than ten (10) feet above the highest point of the existing pole.
- (4) Minimum Height: The bottom of the lowest point of the Antenna shall not be lower than twelve (12) feet above grade.
- (5) Minimum Equipment Height: The operator of a Small Cell Wireless Facility shall, whenever possible, locate the base of the equipment or appurtenances at the highest height possible on the pole, but no lower than nine (9) feet above grade.
- (6) Pole Visual Interference: Small Cell Wireless Facilities shall not interfere with or block any existing signage or other Village installations (banners, holiday décor, flowers, etc.) located on a pole.

- (7) Extensions: Extensions to poles utilized for the purpose of connecting a Small Cell Wireless Facility shall be fabricated from non-metallic material of a neutral color approved by the Village, and shall have a degree of strength capable of supporting the entire Small Cell Wireless Facility and cabling and capable of withstanding wind forces and ice loads in accordance with the structural integrity standards set forth in Section W.3.h. of the Zoning Code above. An extension shall be securely bound to the Utility Pole perpendicular to the ground in accordance with applicable engineering standards for the design and attachment of such extensions. No extensions fabricated from wood shall be permitted.
- (8) Wires and Cables: Any wiring and cables associated with a Small Cell Wireless Facility must be run through the hollow interior of the pole. If proven to be infeasible to run inside of the pole, all wiring and cables shall be covered with an appropriate cover or cable shield. No exterior wires or cables shall be visible under any circumstance.
- (9) Color:
 - i. A Small Cell Wireless Facility, including the Antenna and all related equipment, extensions, appurtenances and covers, shall be a neutral color that blends with the existing pole and the surroundings of the Utility Pole on which it is mounted.
 - ii. The use of reflective materials is prohibited.
- (10) Antenna Panel Covering: A Small Cell Wireless Facility Antenna shall include a radome, cap, or other Antenna panel covering or shield and shall be of a color that blends with the color of the Utility Pole on which it is mounted.
- (11) Guy Wires: No guy or other support wires shall be used in connection with a Small Cell Wireless Facility unless proposed to be attached to an existing Utility Pole that incorporated guy wires prior to the date that a Petitioner has applied for a permit. No additional guy wires shall be added to a utility pole for the purpose of supporting a Small Cell Wireless Facility. If additional guy wires are required for structural integrity reasons, the Utility Pole shall be required to be replaced to be self-supporting and structurally sound without the use of guy wires.
- (12) Decorative Column and Lantern Light Poles: Locating Small Cell Wireless Facilities on a decorative column, lantern or similar light pole located within the Legacy Code Zoning District for visual and aesthetic enhancement reasons (train stations, public facilities, pedestrian walks or corridors, etc.), shall be discouraged. Alternatives to utilizing these decorative light poles should be used including the installation on private property. When Co-Located on decorative light poles, a Small Cell Wireless Facilities shall keep the existing appearance of the light pole and any extensions shall be disguised in a manner similar to the design and appearance of the pole. Due diligence shall be required to indicate proper structural integrity and non-interference with signage or other Village

installations (banners, holiday décor, flowers, etc.) located on a pole.

- (13) **Undergrounding:** Any mechanical equipment or Antenna equipment associated with a Small Cell Wireless Facility that cannot be located on the pole because of structural reasons or because of other restrictions, such as height and size allowances, shall be concealed underground. When located in a public right-of-way where other utilities are not required to complete the same undergrounding requirements, mechanical equipment shall not be required to be placed underground. If the undergrounding of equipment is not possible, feasible or required as stated above, as determined by the Community Development Department or Public Works Department, equipment shall be mounted within a concealment box designed as a decorative pole base or within unobtrusive equipment enclosures mounted directly to the pole. Any ground mounted equipment shall not create a safety or tripping hazard, shall ensure any walkways remain in compliance with all state and federal accessibility laws and shall be constructed in compliance with all Village right-of-way ordinances and design standards.
- (14) **Screening:** Additional landscaping and fencing shall be required to help mitigate the effects of any ground-mounted equipment not feasible to be located underground. This shall include screening all visual appearance of the equipment from roadways and pedestrian facilities. This screening may be used in conjunction with other stealth methods. This may be required by Village staff as part of any permit approval or by the Plan Commission and Village Board as required for any Site Plan, Special Use or Variation requests.
- (15) **Burial or Removal of Utility Poles:** If a utility pole with a Small Cell Wireless Facility is planned to be buried or removed and is no longer required for a utility or public purpose, then the Small Cell Wireless Facility and all associated equipment shall be removed by the carrier within ninety (90) days of notice from the Village or organization which owns/operates the utility pole. The Small Cell Wireless Facility may apply to be relocated to another nearby site in compliance with this ordinance. No Small Cell Wireless Facilities shall be permitted to be placed on utility poles with active studies, plans or permits to be replaced or buried.
- (16) **Illumination:** Small Cell Wireless Facilities shall not be artificially illuminated or marked, except as required by law.
- (17) **Signage:** No signage or advertising shall be visible on any part of the Small Cell Wireless Facility, except as required by law.

d. Approval

- (1) Small Cell Wireless Facilities shall be permitted uses when in compliance with Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above.

- (2) If a Small Cell Wireless Facility is proposed and not in compliance with the location requirements as outlined in Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above, the Petitioner shall have an option to request a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use for a Small Cell Wireless Facility request shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available.
- (3) If located within a Village right-of-way, the Petitioner must complete a lease, master pole agreement or similar agreement with the Village prior to approval of the Special Use Permit.
- (4) The Petitioner must obtain a Small Cell Wireless Facility or similar building permit from the Community Development Department.

6. Regulations for Distributed Antenna Systems (DAS)

a. Location

- (1) All Distributed Antenna Systems must be installed on private property.
- (2) Exterior Antennas shall be located upon existing poles or structures.
- (3) Associated exterior equipment shall only be allowed in a rear yard or on the roof of a principal structure and shall not be located within a front yard or side yards.

b. Conditions

- (1) Surface Area of Antennas: Each Antenna within a Distributed Antenna System shall not have a surface area of more than seven (7) square feet. The surface area shall be calculated by measuring all faces of the Antenna visible from the public right-of-way.
- (2) Height:
 - i. The top of the highest point of the Antenna shall not extend beyond the height of the existing structure that the Antenna is mounted upon.
 - ii. Associated equipment located on the roof of a principal structure shall not exceed ten feet (10') in height.
- (3) Color:

- i. A Distributed Antenna System, including the Antenna and all related equipment and appurtenances, shall be a color that blends with the surroundings of the structure on which it is mounted.
 - ii. The use of reflective materials is prohibited.
 - iii. Any wiring must be covered with an appropriate cover or cable shield.
- (4) Screening:
 - i. The Distributed Antenna System shall be architecturally compatible with the proposed building as well as surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site.
 - ii. All associated ground equipment shall be screened by a masonry enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity of the remainder of the enclosure.
 - iii. All associated equipment located on the roof of a principal structure shall be screened from view from all adjacent public right-of-ways.
 - iv. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

c. Approval

- (1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- (2) The Distributed Antenna System is a permitted use if in compliance with all location requirements set forth in Section III.W.6. of the Zoning Code above. Any Distributed Antenna System not in compliance must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use request for a Distributed Antenna System shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate option is available.
- (3) The Petitioner must obtain a Building Permit from the Community Development Department.

X. HOME OCCUPATIONS

Home occupations shall be subordinate to the principal use of a building as a residential dwelling, and shall conform to the following provisions:

1. The primary use of the building shall be as a residential dwelling unit occupied day and night by the person(s) owning/operating the home occupation;
2. The home occupation shall not employ any other person who is not a member of the family occupying the residential dwelling unit;
3. On-site signs advertising the home occupation shall be prohibited;
4. The home occupation shall not take place in any portion of any attached or detached garage or accessory structure;
5. The home occupation shall not occupy more than twenty (20) percent of the gross floor area of the dwelling unit (excluding any garage or accessory structure). Any area of the dwelling unit (excluding any garage or accessory structure) used for the storage of materials or goods used in conjunction with the home occupation shall be included in the calculation of floor area of the home occupation;
6. The sale of goods or services from the dwelling unit shall be prohibited except by electronic means;
7. The home occupation shall not result in the dwelling unit being visited by customers or clients, except by way of authorization as a Special Use by the Village Board, as well as the issuance of a Village Business License;
8. The outdoor storage of goods or materials used in conjunction with the home occupation is prohibited; and
9. The use or storage of hazardous materials in conjunction with the home occupation shall be prohibited.

SECTION III

GENERAL PROVISIONS

Except as hereinafter specifically provided, the following general regulations shall apply:

A. INTERPRETATION AND APPLICATION

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever, any easements, covenants, or other agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land or buildings, or upon the height of buildings, or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits, or any easements, covenants, or other agreements between parties, the provisions of these regulations shall govern.

B. USE OF LAND OR STRUCTURES

The provisions of this Ordinance shall apply to all properties as hereinafter specifically provided:

1. **New and Existing Uses.** No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered, except in conformity with the regulations herein specified for the district in which it is located;
2. **Nonconforming Uses.** Any lawful building, structure, or use existing at the time of the enactment of the Zoning Ordinance may be continued, even though such building, structure, or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of Section VI;
3. **Lot of Record.** A Lot of Record at the time of the adoption of this Ordinance which is unable to meet the requirements of this Ordinance as to area and lot width may be used, provided it shall meet all the other requirements of this Ordinance. However, when two (2) or more parcels of land, each of which lacks adequate area and dimensions to qualify for a Permitted Use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, at the time of or subsequent to the adoption of this amendment, they shall be used as one zoning lot for such use; and

4. **Construction in Process.** Where construction of a building or structure has begun prior to the effective date of this Ordinance and is being diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the Building Permit was issued, and further may, upon completion, be occupied under a Certificate of Occupancy subject to the provisions herein set forth in the section pertaining to nonconforming structures and uses.

C. HEIGHT LIMITATIONS

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio, television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits when recommended by the Zoning Board of Appeals and approved by the Village Board. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the District in which it is located; nor shall such structure have a total area greater than twenty-five (25) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Provided, however, that all buildings in the Zoning Districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the height provisions of said Legacy Code and are, therefore, exempt from the height limitations set forth in this Section III.C.1.
2. Hospitals, institutions, schools, or public utility and service buildings, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, provided said specified buildings shall be set back from the front, rear, and side lot lines on the ratio of two (2) feet for every one (1) foot of building height greater than forty (40) feet; provided, however, that said specified requirements shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this Ordinance. Provided, however, that all buildings in the zoning districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the height provisions of said Legacy Code and are therefore exempt from the height limitations set forth in this Section III.C.2.
3. Planned Unit Developments may exceed the height limits established for the district in which the structure is located, provided that the height conforms with the standards and requirements set forth in Section VII.C.2.O of this Ordinance.

D. LOTS

1. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one principal building on a lot except in a Planned Unit Development, or as otherwise provided in this Ordinance.
2. No lot shall hereafter be divided in order to secure one or more additional lots for transfer of ownership or establishment of a principal use thereon, unless each lot, resulting from such division, shall have the minimum lot area and lot width as required in this Ordinance for the district in which the lot is located.
3. Where two (2) or more permitted or Special Uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.
4. Every dwelling shall be constructed or erected upon a lot or parcel of land which has at least twenty (20) feet of frontage abutting upon a public street.
5. Where unique land planning designs are employed in a subdivision or a Planned Unit Development to conserve the natural character of the land or to create a functional or compatible arrangement of structures or uses, a lot which does not abut upon a public or private street may be permitted provided that:
 - a. Adequate provision is made for free access to the lot for the property owner, or in the case of a non-residential lot, for those persons who would normally require access to the lot;
 - b. Adequate provision is made for the unobstructed access of firefighting equipment, police protection, rubbish collection, and other governmental services;
 - c. Adequate provision is made for the extension and maintenance of public and private utility services; and
 - d. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking, or other reasons.
6. The maintenance of yards, courts, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence.

E. YARDS

1. All yards and other open spaces, as required by this Ordinance, shall be located on the same lot as the principal structure or use. No legally required yards, open space, or lot areas for any use or structure shall be used to satisfy yard, open space, or lot area requirements for any other structure or use.

2. On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line. The required front yard setback on corner lots shall apply to each side of the lot facing a street.
3. On vacant through lots, the front lot line shall be along the street line designated by the Building Inspector except that when a front line has been established on one or more lots in the same block and all have front lot lines established along the same street line, the street line designated as the front lot line for such lot or lots shall be the front lot line on all vacant through lots in such block. On through lots, only those obstructions permitted in this Ordinance in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard; however, where a no-access strip has been provided for such lots on a recorded plat, the Zoning Administrator may waive such requirements if, in his judgment, an exception to this requirement would be appropriate.
4. No yards allocated to a structure or use existing on the effective date of this Ordinance shall be subsequently reduced or further reduced below the yard requirements of this Ordinance, except a yard adjoining a street may be reduced in depth in the event and to the extent the right-of-way width of such street adjoining such yard is subsequently increased.
5. Where fifty (50) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (within a variation of five (5) feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings. Provided, however, that all building in the zoning districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the front yard/frontage provisions of said Legacy Code and are, therefore, exempt from the frontage/front yard requirements set forth in this Section III.E.5.

F. REQUIRED SETBACKS

Setback lines shall be maintained on all lots abutting streets and thoroughfares. The minimum setback on lots abutting a street or thoroughfare shall be the distance required for a front yard or side yard, adjoining a street, in the district where such lots are located, measured from the existing right-of-way line of the street or thoroughfare, or from the proposed right-of-way line as designated on the Official Map, and as duly established by other Ordinances or as established by county or state highway authorities, whichever has the greatest right-of-way width requirements.

Except for incidental uses, no structure shall be constructed on a dedicated public or private utility easement, nor shall any structure be constructed so as to encroach upon any easement. No portion of the eave, gutter, of roof overhang shall project into or over any dedicated easement.

G. VISIBILITY REQUIREMENTS – CORNER LOTS

No structure, wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding two (2) feet in height above the curb level and shade trees where all branches are not less than eight (8) feet above the street level will be permitted. For residential corner lots, this unobstructed area shall be a triangular section of land formed by the two street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of said right-of-way.

H. PERMITTED ENCROACHMENTS IN REQUIRED YARDS**1. Residential Zoning Districts:**

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village's Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards in lots residentially zoned (R-1, R-2, R-3, R-4, R-5, R-6, and R-7) as specified:

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Accessory structures, including but not limited to: accessory sheds, carports, detached garages, equipment shelters, and playhouses		P	P			See additional regulations in Section III. I.
Arbors	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Athletic courts, including but not limited to: basketball or tennis courts			P			All athletic court areas shall be subject to Village review to ensure the court is properly designed, graded, and constructed. In no case shall an athletic court be placed closer than fifteen (15) feet to any property line.
Awnings and canopies	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of any property line.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Balconies	P		P	P	P	Not projecting more than five (5) feet into the required yard.
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Breezeways			P			
<u>Brick Mailbox (in public right-of-way areas)</u>	P					<u>Masonry mailbox shall not be larger than 24 inches wide or 24 inches deep or greater than five feet in height. The front edge of the masonry structure shall not be set closer than fifteen inches from the rear edge of the curb or within two (2) feet of a Buffalo Box, or within 10 feet of a fire hydrant. The front of the mailbox shall not be closer than six inches nor further than fifteen inches from the rear edge of the curb. A maximum of two pedestals per address, only one of which may contain a mailbox. Masonry mailbox structures shall comply with USP Regulations; a copy is available in the Building Department. A permit is required for any decorative or brick mail boxes in the public right-of-way and a waiver form must be signed by the homeowner with any required document recording fees paid by the owner.</u>
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into the required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.
<u>Driveways</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Must be located a minimum of one (1) foot from property line and lead to a permitted parking structure or parking facility. Driveway shall take the most direct route from the public right-of-way to the parking structure/facility, which may include relocation of curb depressions. Alternative driveway paths may only be approved with the approval of the Village Engineer and Community Development Director. Driveways shall have a minimum width of ten (10) feet and a maximum width of forty (40) feet. Driveways shall be no greater than a total of thirty (30) foot in the apron at its intersection with the Village Right of Way.</u>
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet. <u>No portion of the eave, gutter, or roof overhang shall project into or over any dedicated easement.</u>

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Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Fences		P	P			See additional regulations within Section III.J.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three- and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to: air conditioning units/ shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line.
Outdoor fireplaces			P		P	In no case shall an outdoor fireplace be placed closer than five (5) feet to any property line.
Patios		P	P			In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas			P			Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. In no case shall porches or porticos extend more than fifteen (15) feet from the exterior wall. Handrails and guardrails shall conform to Village Building Code Regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Private swimming pools and hot tubs			P			Pools are to be placed in rear yards only. In no case shall a pool be placed closer than five (5) feet to any property line, including transitional grading, accessory items such as pavers or concrete, and equipment.
Sculptures	P	P	P	P	P	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
<u>Trash and Equipment Enclosures</u>		P	P			<u>Shall be placed as close as possible to the principal structure but in no case shall be placed within five feet of the property line. Enclosure shall be solid with no chain link fencing permitted. Any enclosure constructed shall have a height not greater than 6 feet. Enclosures shall comply with any approved site plans. See additional regulations within Section III.U.6.j.</u>

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Trellises	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.

2. Commercial Zoning Districts:

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village's Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards in lots commercially zoned (B-1, B-2, B-3, B-4, and B-5) as specified:

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Accessory structures, including but not limited to: accessory sheds, carports, detached garages, equipment shelters, and playhouses			P			See additional regulations in Section III. I.
Arbors	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Awnings, canopies, marquees and other projections that create shaded and protected entrances	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of the side or rear property line. Awnings and canopies with signage must conform to the Sign Regulations in Section IX.
Balconies	P		P	P	P	Not projecting more than five (5) feet into a required yard.
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into a required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Driveways	P	P	P	P	P	Must be located a minimum of one (1) foot from property line and lead to a permitted parking structure or parking facility. Driveways may be shared between adjoining properties with an approved site plan and cross-access easement recorded. Driveways shall have a minimum width of ten (10) feet and a maximum width of forty (40) feet. Driveways shall be no greater than thirty (30) foot in the apron at its intersection with the Village Right of Way.
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet. No portion of the eave, gutter, or roof overhang shall project into or over any dedicated easement.
Fences and walls		P	P			See additional regulations within Section III.J.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three-and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to; air conditioning units/shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line. Equipment shall be screened to comply with the Village Landscape Ordinance.
Patios	P	P	P	P	P	In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. Handrails and guardrails shall conform to Village Building Code Regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Projecting blade signs	P	P	P	P	P	See additional regulations in Section IX.
Sculptures	P	P	P	P	P	

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Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
Trash and Equipment Enclosures		P	P			Shall be placed as close as possible to the principal structure but in no case shall be placed within five feet of the property line. Enclosure shall be solid with no chain link fencing permitted. Any enclosure constructed shall have a height not greater than 6 feet. Enclosures shall comply with any approved site plans. See additional regulations within Section III.U.6.j.
Trellises	P	P	P	P	P	

a. Additional Allowable Encroachments:

In commercially zoned lots (B-1, B-2, B-3, B-4, and B-5) that front streets or major interior access lanes, front yard areas will be primarily used for landscaping and other pedestrian-oriented uses including:

- (1) Widened sidewalks and entranceways;
- (2) Plazas, outdoor gardens, patios, and outdoor seating areas;
- (3) Water features, including bioswales or other stormwater management elements; and
- (4) Public art or outdoor architectural features like clock towers, pergolas, etc.

It is the intent of this Ordinance to help create a stronger pedestrian scale. As such, in addition to the design elements specifically permitted above, other architectural or landscape features not enumerated herein that create a stronger pedestrian connection may be permitted to extend into the required yard up to ten (10) feet. These encroachments may be approved by the Plan Commission during Site Plan Approval.

3. Industrial Zoning Districts:

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village's Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards, in lots industrially zoned (ORI, M-1, and MU-1) as specified:

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Accessory structures, including but not limited to: accessory sheds, carports, detached garages, equipment shelters, and playhouses			P			See additional regulations in Section III. I.
Arbors	P		P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Athletic courts, including but not limited to: basketball or tennis courts			P			All athletic court areas shall be subject to Village review to ensure the court is properly designed, graded, and constructed. In no case shall an athletic court be placed closer than fifteen (15) feet to any property line.
Awnings, canopies, and other projections that create shaded and protected entrances	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of the side or rear property line. Awnings and canopies with signage must conform to the Sign Regulations in Section IX.
Balconies	P		P	P	P	Not projecting more than five (5) feet in front yards.
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into a required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.
<u>Driveways</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Must be located a minimum of one (1) foot from property line and lead to a permitted parking structure or parking facility. Driveways may be shared between adjoining properties with an approved site plan and cross-access easement recorded. Driveways shall have a minimum width of ten (10) feet and a maximum width of forty (40) feet. Driveways shall be no greater than thirty (30) foot in the apron at its intersection with the Village Right of Way.</u>
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet. <u>No portion of the eave, gutter, or roof overhang shall project into or over any dedicated easement.</u>

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Fences and walls		P	P			See additional regulations within Section III.J.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three- and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to: air conditioning units/ shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line. Equipment shall be screened to comply with the Village Landscape Ordinance.
Patios	P	P	P	P	P	In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. Handrails and guardrails shall conform to Village Building Code regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Projecting blade signs	P	P	P	P	P	See additional regulations in Section IX.
Sculptures	P	P	P	P	P	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
<u>Trash and Equipment Enclosures</u>		P	P			<u>Shall be placed as close as possible to the principal structure but in no case shall be placed within five feet of the property line. Enclosure shall be solid with no chain link fencing permitted. Any enclosure constructed shall have a height not greater than 6 feet. Enclosures shall comply with any approved site plans. See additional regulations within Section III.U.6.j.</u>
Trellises	P	P	P	P	P	

I. ACCESSORY STRUCTURES AND USES

1. All accessory structures shall be subject to the following:

- a. Accessory structures and uses shall be compatible with the principal use;
 - b. Accessory structures and uses shall not be established prior to the establishment of the principal use;
 - c. Accessory structures which are structurally attached to a main or principal building shall be subject to all regulations of this Ordinance and the Village Building Code which are applicable to the principal building;
 - d. Accessory structures shall not be located less than ten (10) feet from a principal building unless the accessory structure meets all regulations of this Ordinance and the Village Building Code which are applicable to the principal building;
 - e. When a side yard is required, no part of any accessory structure shall be located closer than five (5) feet to the side lot line along such side yard; and
 - f. When a rear yard is required, no part of any accessory structure shall be located closer than five (5) feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard.
 - f.g. Maximum height of all accessory structures (other than detached garages as outlined in the section below) is fifteen (15) feet above finished grade.
2. Residential accessory structures serving single- or two-family residences in any Residential Zoning District, and all accessory structures in the R-1 through R-5 Zoning Districts, inclusive, shall conform to the following:
- a. All conditions of Subsection III.I.1 above must be satisfied;
 - b. The maximum floor area shall be seven hundred twenty (720) square feet, two hundred (200) square feet for a storage shed, and four hundred (400) square feet for all other structures. The width of any structure shall not exceed 34 feet;
 - c. The maximum height shall be eighteen (18) feet to the peak of the structure;
 - d. The pitch of the roof shall be found by the Zoning Administrator to be architecturally compatible with the pitch of the main roof element of the principal structure, provided that subsection (c) above shall be met;
 - e. Detached or attached garages and accessory structures shall not be utilized as living space;
 - f. Detached or attached garages and accessory structures shall not be utilized for any ~~business related~~business-related activity; and
 - g. Detached garages and accessory structures shall not be serviced by water, sanitary sewer, or natural gas.

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h. No more than one (1) of any type of residential accessory structure shall be permitted accept where a second detached garage may be permitted in Section III.I.3.

i. Storage/Utility Sheds: No more than one (1) storage/utility shed shall be located on any residential lot at a maximum of two hundred (200) square feet in floor space, and shall not exceed fifteen (15) feet in height. No overhead (roll up) doors larger than six (6) feet in width or seven (7) feet in height are allowed on storage/utility sheds.

3. Second detached garages serving single- or two-family residences in any Residential Zoning District and in the R-1 through R-5 Zoning Districts, inclusive, shall conform to the following:
 - a. All conditions of Subsections III.I.1 and III.I.2 above must be satisfied for each garage;
 - b. The property must be a minimum of fifteen thousand (15,000) square feet in lot area and ninety (90) feet in lot width; and
 - c. Both garages must be fully accessible by way of a driveway constructed and located in conformance with ~~Section 309 of the Village Building Code~~ all other sections of the Village Zoning, Subdivision, and Building Code Ordinances.

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J. FENCE REGULATIONS

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; and
 - (2) Fences two feet (2') in height or less.
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	Fence Permitted at or behind Required Setback Line. See also 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	Fence Permitted at or behind Required Setback Line. See also 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. See also Section III.J.3.	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line. See Section III.J.3.b.
Corner Through Lot	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line. See Section III.J.3.b.
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.
- (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.

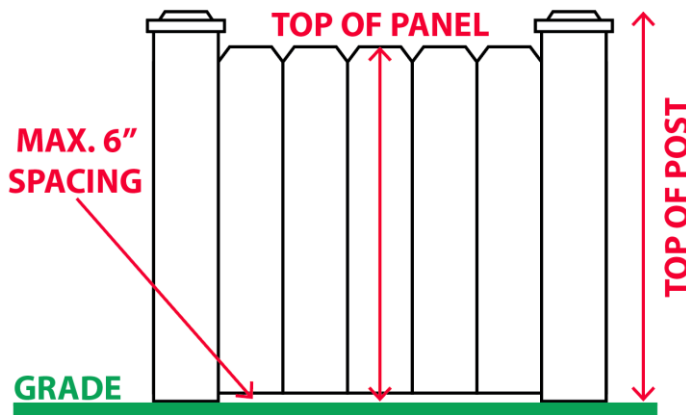
- (3) Clear Vision Triangle: Fences shall not obstruct sight lines and/or cause a negative impact to safety of pedestrians or vehicles. A clear vision triangle must be maintained.

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 an 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) Chain-link without slats (can be coated or uncoated)
 - (viii) Perimeter fencing (stone or concrete)
 - (ix) Similar materials, as approved by the Zoning Administrator or their designee
- (4) Prohibited Materials:
- (i) Chain-link with slats
 - (ii) Glass and other reflective materials
 - (iii) 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 uniform in color.

c. Maximum Height (see graphic)

- (1) Top of Posts: six feet, six inches (6'6") when measured from grade.
- (2) Top of Panel: six feet (6') when measured from grade.
- (3) Spacing Between Grade and Bottom of Panel: maximum of six inches (6").

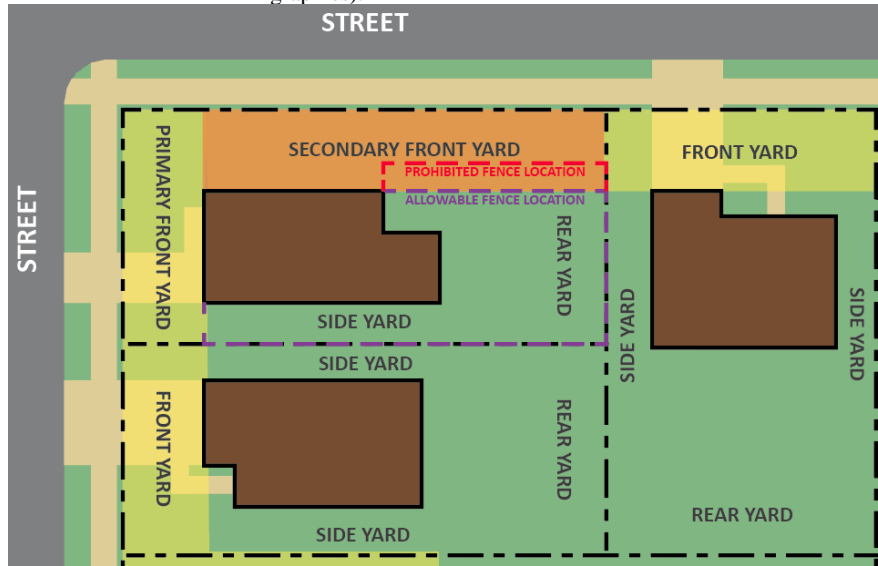


3. Administrative Approvals: The Zoning Administrator or their designee may grant administrative approval for a fence in the following circumstances:

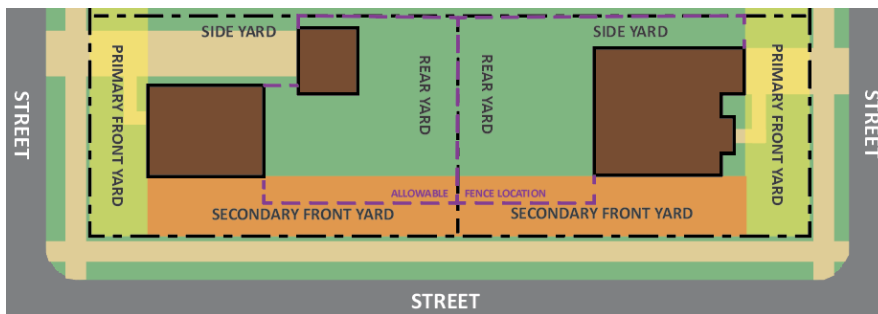
- a. Secondary Front Yard

- (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 five feet, six inches (5'6") at the top of the posts and five feet (5') 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



Graphic: Allowable Fence Location in Secondary Front Yard

- (2) In the instance that a residential structure is nonconforming to the required front yard setback, a fence may be permitted to encroach into the required front yard setback to align with the established setback of the residential structure, provided that:
- (i) The fence meets all provisions within Section III.J.2.b. and III.J.2.c.; and

- (ii) The fence does not obstruct sight lines that may cause a negative impact to safety of pedestrians or vehicles.

b. Through Lot

- (1) A fence may be permitted to be constructed along a property line that directly abuts a public right-of-way or private street if the Zoning Administrator or their designee determines that the lot line should be considered a side or rear lot line based on the adjacent established development pattern, provided that:

- (i) The fence meets all provisions within Section III.J.2.b. and III.J.2.c.; and
- (ii) The fence does not obstruct sight lines that may cause a negative impact to safety of pedestrians or vehicles.

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: Fences 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: Fences constructed without a permit. Such fences shall be immediately removed by the property owner or a variation (in accordance with Section X.G. of the Zoning Ordinance) must be obtained.

6. Appeals and Variations: If the Zoning Administrator or their designee denies a fence as proposed, the Petitioner may appeal the denial before the Zoning Board of Appeals as outlined within Section X.F. of the Zoning Ordinance. A Petitioner may also submit a request for a variation as outlined within Section X.G. of the Zoning Ordinance.

K. TEMPORARY BUILDINGS

Temporary buildings for construction purposes may be allowed in any zoning district for a period not to exceed the completion date of such construction.

L. FLOODPLAIN AREAS

No building shall be erected in areas subject to flooding, as determined in the floodplain maps (Tinley Park Quadrangle) of the Northeastern Illinois Planning Commission, unless suitable provisions for drainage are approved and constructed in accordance with the requirements of the Village's Floodplain Ordinance - Ordinance No. 73-0-003.

M. USES NOT SPECIFICALLY PERMITTED IN DISTRICTS

When a use is not specifically listed in the sections devoted to permitted uses, such uses are hereby expressly prohibited, unless by written decision of the Zoning Administrator it is determined that said use is similar to and not more objectionable than other uses listed. Such uses may then be permitted.

N. EXEMPTIONS

The regulations of this Ordinance do not specify or regulate the type or location of poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, and other similar distributing equipment; regulator and compressor stations, and the underground storage of gas from a public utility or a natural gas company including facilities and exploratory and operating wells; or a public utility or natural gas company for telephone or other communications, electric power, gas, water, and sewer lines, provided that installation shall conform with rules and regulations of the applicable administrative authorities nor the location, use or occupancy of publicly-owned land, structures or installations of any kind whatsoever.

O. OPEN STORAGE AND OUTDOOR SALES DISPLAYS

1. Open Storage:

- a. The purpose and intent of the regulations established herein is to provide development and environmental performance standards for controlling the development and use of open storage areas so that such uses can be established and operated in the Village of Tinley Park without adversely affecting neighboring development or existing environmental conditions; and
- b. All open storage, as defined in Section II, shall be subject to the following:

General Requirements:

- (1) **Zoning Districts Allowed:** The following table shall govern the zoning districts in which open storage is allowed and to what level:

Level	R-1 through R-7	B-1 through B-5	ORI	M-1	MU-1
Level 1	X	X	P	P	P
Level 2	X	X	S	P	P
Level 3	X	X	X	S	S
Level 4	X	X	X	X	X

P = Permitted (with conditions) S = Special Use X = Prohibited

Open storage requests that require a Special Use Permit should refer to Section X.J of the Village's Zoning Ordinance regarding the Special Use application process.

- (2) **Location:** Open storage shall not be located in any front or corner side yard. No open storage shall be permitted to occur in areas designated for parking, driveways, or walkways;
- (3) **Maximum Lot Coverage:** The following table shall govern the maximum lot area for the use of open storage within zoning districts:

Level	R-1 through R-7	B-1 through B-5	ORI	M-1	MU-1
Level 1	X	X	15%	30%	30%
Level 2	X	X	15%	30%	30%
Level 3	X	X	X	30%	30%
Level 4	X	X	X	X	X

X = Prohibited

- (4) **Proximity to Residential Zones:** If a Residential District abuts the property, the open storage area shall be set back from the property line on such side a minimum of fifty (50) feet in addition to the mandatory screening enumerated below.
- (5) **Screening:**
- (A) Fence:
- (i) **Material:** Shall be constructed in compliance with Section 311.C.1 of the Village Building Code;
- (i.a) Chain link fencing to be concealed with landscaping, and placed on the exterior side of the fence to conceal from the street side or residential neighborhoods;

(ii) Opacity: Shall be a solid, one hundred (100) percent opaque wall or fence. Chain link fencing may be used in conjunction with landscaping to achieve one hundred (100) percent opacity if approved by the Village;

(iii) Height: Shall be a minimum of six (6) feet and maximum of eight (8) feet in height measured from ground level to the top of the fence; and

(iv) Gate/Doors: Shall be visually consistent with the fence or wall and secured.

(B) Landscape:

(a) Refer to §158.18.12 of the Village Landscape Ordinance for open storage landscaping requirements.

(6) Environmental Performance:

(A) Nuisance: All open storage shall be in compliance with the nuisance regulations enumerated in Title IX, Chapter 98 of the Tinley Park Municipal Code;

(B) Stormwater Runoff: Fertilizers, pesticides, and any other agent which could potentially pose a threat to water quality shall be properly stored in containers that prevent the infiltration of these agents into the stormwater system;

(C) Windborne Agents: The open storage of materials which have a tendency to become windborne such as powder, grain, stone, sand, salt, and coal is prohibited unless securely covered and contained;

(D) Organic Materials: Any open storage of decomposed, fetid, or putrescent matter shall be removed and disposed of if determined to be a nuisance, and in such manner as not to cause a nuisance and to avoid the unnecessary raising of dust or noxious material;

(E) Lighting: Any lighting of open storage areas shall be directed in a manner as to prevent spillover onto surrounding properties; and

(F) Subject to Inspection: Any open storage shall be subject to inspection by the Fire Prevention Bureau as enumerated in Ch. VII, Sec. 700.A.1 of the Village Building Code.

2. Level 1 Open Storage:

Submission Requirements:

- a. A dimensioned sketch or drawing of the proposed location of the open storage area and any additional alterations to the site;
- b. Fencing specifications including height, material, color, and style;
- c. Location, quantity, size, and type of proposed landscaping on a Site Plan, showing its relation to other site features such as utilities and easements; and
- d. Description of materials to be stored.

Approval:

- a. Subject to review by the Building and Planning Departments.

Conditions of Operation:

- a. Shall be stored in the rear of the property not in a public drainage and utility easement or in an area that will negatively impact overland drainage; and
- b. Level 1 Open Storage is intended to allow for vehicles or equipment essential to the day-to-day operation of a business. Vehicles exceeding eight thousand (8,000) pounds or equipment not essential to business operations shall be excluded from Level 1 Open Storage.

3. Level 2 Open Storage:

Submission Requirements:

- a. A dimensioned sketch or drawing of the proposed location of the open storage area and any additional alterations to the site;
- b. Fencing specifications including height, material, color, and style;
- c. Location, quantity, size, and type of proposed landscaping on a Site Plan, showing its relation to other site features such as utilities and easements; and
- d. Description of materials to be stored.

Approval:

- a. Subject to review by the Building and Planning Departments.

4. Level 3 Open Storage:

Submission Requirements for Site Plan Approval Application:

- a. A Special Use Permit application that fulfills the provisions within Section X.J of the Tinley Park Zoning Ordinance; and
- b. Description of materials to be stored.

Approval:

- a. All Level 3 Open Storage areas shall be subject to Site Plan and Special Use Permit approvals. A Site Plan Approval application must be reviewed and approved by the Village of Tinley Park Plan Commission. A Special Use Permit application must be reviewed by the Plan Commission and receive approval by the Village Board.

5. Level 4 Open Storage:

Conditions of Operation:

- a. Shall be prohibited within all zoning districts. The storage of junk, used lumber, or metal, refuse, scrap, disabled, or damaged motor vehicles not awaiting immediate repair, must be accommodated within a structure and in compliance with all other Village Code requirements.

Exemptions:

- a. The provisions and regulations of this Section III.N.1 shall not apply to governmental service uses.

6. Outdoor Sales Display Standards:

- a. Intent: The intent of the Outdoor Sales Display Standards is to permit the use of outdoor areas for display and sales of merchandise, but to ensure that such displays are sensitive to the character of the Village and do not jeopardize the health, safety, and welfare of the people within the Village of Tinley Park. Outdoor sales display areas shall be categorized as Level 1, Level 2, or Level 3 in accordance with the regulations within this Section.
- b. Applicability:
 - (1) Outdoor areas that a business or organization wants to use on a regular or seasonal basis for outdoor sales displays shall meet the regulations within this Section.
 - (2) This Section does not include outdoor sales display related to automotive dealerships.
- c. Requirements for Level 1 Outdoor Sales Display:

- (1) Description of Level 1 Outdoor Sales Display: Level 1 Outdoor Sales Display 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.
- (2) Approval:
- (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:
 - (i) Application form
 - (ii) Plat of Survey or dimensioned Site Plan
 - (iii) Dimensioned plans showing the display area
 - (iv) Information about what types of products will be displayed
 - (v) Display time plan outlining when the outdoor display period will occur
 - (B) The Zoning Administrator or their designee shall review the application and determine if the criteria within this Section have been met.
 - (C) Fees: The fees for Level 1 Outdoor Sales Displays shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).
- (3) Location:
- (A) Zoning:
 - (i) Outdoor sales displays are limited to non-residential properties and mixed-use properties.
 - (B) Accessibility:
 - (i) An outdoor sales display area shall not block any accessibility ramp, parking space, door, fire hydrant, drive aisle, or driveway.
 - (ii) A minimum of thirty-six inches (36") shall be maintained for sidewalks and pedestrian ways in front of the outdoor sales display area.
 - (C) Setbacks:
 - (i) Front Yard: An outdoor display area can encroach up to five feet (5') into the required front yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
 - (ii) Side and Rear Yards: An outdoor display area shall meet the accessory structure side yard and rear yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
 - (D) Proximity to Primary Structure:

- (i) An outdoor sales display area shall be fifteen feet (15') or less from the façade of the primary structure.
- (E) Placement:
 - (i) An outdoor sales display area shall be located at grade level and shall not be allowed on top of the roof.
 - (ii) An outdoor sales display shall not create any visibility hazard or obstruction to vehicles or pedestrians.
 - (iii) An outdoor sales display area shall be located on the same parcel as the principal structure.
- (4) Size:
 - (A) Maximum Area:
 - (i) 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.
 - (ii) If the tenant has both Level 1 and Level 2 displays: The total combined area of all Level 1 and Level 2 outdoor display areas shall not exceed twenty-five percent (25%) of the tenant frontage of the tenant space to which the outdoor display area is associated.
 - (B) Maximum Height:
 - (i) Products displayed outside the principal structure shall not exceed ten feet (10') in height.
- (5) Time for Display:
 - (A) Outdoor sales displays for seasonal garden items shall occur only between April 15th and October 15th of each year, unless otherwise approved in writing by the Zoning Administrator or their designee.
 - (B) Outdoor sales displays for special sales may be displayed for up to seven (7) days at a time and shall be allowed up to six (6) times per year; however, there must be at least three (3) weeks between special sale displays.
 - (C) Outdoor sales displays shall only be displayed outside the tenant space during the business or organization's hours of operation, unless otherwise approved in writing by the Zoning Administrator or their designee.

d. Requirements for Level 2 Outdoor Sales Display:

- (1) Description of Level 2 Outdoor Sales Display: Level 2 Outdoor Sales Display 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.
- (2) Approval:

- (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:
 - (i) Application form
 - (ii) Plat of Survey or dimensioned Site Plan
 - (iii) Dimensioned plans showing the display area
 - (iv) Information about what types of products will be displayed
 - (v) Display time plan outlining when the outdoor display period will occur
 - (B) The Zoning Administrator or their designee shall review the application and determine if the criteria within this Section have been met.
 - (C) Fees: The fees for Level 2 Outdoor Sales Displays shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).
- (3) Location:
- (A) Zoning:
 - (i) Outdoor sales displays are limited to non-residential properties and mixed-use properties.
 - (B) Accessibility:
 - (i) An outdoor sales display area shall not block any accessibility ramp, parking space, door, fire hydrant, drive aisle, or driveway.
 - (ii) A minimum of thirty-six inches (36") shall be maintained for sidewalks and pedestrian ways in front of the outdoor sales display area.
 - (C) Setbacks:
 - (i) Front Yard: An outdoor display area can encroach up to five feet (5') into the required front yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
 - (ii) Side and Rear Yards: An outdoor display area shall meet the accessory structure side yard and rear yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
 - (D) Proximity to Primary Structure:
 - (i) An outdoor sales display area shall be fifteen feet (15') or less from the façade of the primary structure.
 - (E) Placement:
 - (i) An outdoor sales display area shall be located at grade level and shall not be allowed on top of the roof.
 - (ii) An outdoor sales display shall not create any visibility hazard or obstruction to vehicles or pedestrians.
 - (iii) An outdoor sales display area shall be located on the same parcel as the principal structure.

(4) Size:

(A) Maximum Area:

- (i) The cumulative area of all Level 2 outdoor displays shall not exceed twenty percent (20%) of the tenant frontage of the tenant space to which the outdoor display area is associated.
- (ii) If the tenant has both Level 1 and Level 2 displays: The total combined area of all Level 1 and Level 2 outdoor display areas shall not exceed twenty-five percent (25%) of the tenant frontage of the tenant space to which the outdoor display area is associated.

(B) Maximum Height:

- (i) Products displayed outside the principal structure shall not exceed ten feet (10') in height.

(5) Time for Display:

- (A) Due to the nature of these types of goods, the display shall be permitted permanently unless otherwise noted in writing by the Zoning Administrator or their designee.

e. Requirements for Level 3 Outdoor Sales Display:

- (1) Description of Level 3 Outdoor Sales Display: Level 3 Outdoor Sales Display includes the display of goods that do not meet the regulations within the Level 1 or Level 2 Outdoor Sales Display herein 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.).

(2) Approval:

- (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:
 - (i) Application form
 - (ii) Plat of Survey or dimensioned Site Plan
 - (iii) Dimensioned plans showing the display area
 - (iv) Information about what types of products will be displayed
 - (v) Display time plan outlining when the outdoor display period will occur
- (B) The Village Planner or their designee shall review the application and present the information to the Plan Commission for approval.
- (C) Fees: The fees for Level 3 Outdoor Sales Displays shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

(3) Location:

(A) To be determined on a case-by-case basis by the Plan Commission.

(4) Size:

(A) To be determined on a case-by-case basis by the Plan Commission.

(5) Time for Display:

(A) To be determined on a case-by-case basis by the Plan Commission.

f. Signage:

(1) Any signage affiliated with an Outdoor Sales Display is subject to the regulations within Section IX of the Zoning Ordinance, as amended from time to time.

g. Appeals:

(1) Outdoor Sales Displays not meeting the regulations herein for Level 1 or Level 2 shall be automatically considered Level 3 and subject to Staff Review and Plan Commission Review.

(2) If the Plan Commission denies the Level 3 Outdoor Sales Display request, then the Applicant may appeal the Commission's decision to the Village Board.

h. Penalty:

(1) Outdoor sales displays without permits must be removed immediately upon notice of the violation.

(2) If an outdoor sales display is exhibited without a permit, then the business owner is subject to a fine equal to double the permit fee and a permit still must be obtained.

P. PORTABLE STORAGE DEVICES

1. Portable storage container units and devices shall include all types of storage devices and enclosed trailers with or without wheels.
2. Portable storage devices shall not be stored on any public street, alley, or public right-of-way in any zoning district.

3. Portable storage devices shall be maintained in good repair, structurally sound, and free from any graffiti or peeling paint.
4. Portable storage devices shall require a Temporary Use Permit, and shall be subject to the following regulations:

Residential Zoning Districts:

- a. No more than one (1) portable storage device, not exceeding outside dimensions of twelve (12) feet in length, eight (8) feet in width, and nine (9) feet in height, shall be permitted per zoning lot in all Residential Zoning Districts for no more than fourteen (14) days per calendar year, provided they are placed on and do not extend beyond a driveway surface and do not encroach across any public sidewalk or across any property line.

Commercial Zoning Districts:

- a. No more than one (1) portable storage device not exceeding outside dimensions of forty (40) feet in length, eight (8) feet in width, and nine (9) feet in height shall be permitted per zoning lot in all Commercial Zoning Districts for no more than thirty (30) days per calendar year. Such devices shall be placed on an impervious surface of concrete or asphalt, and shall not be located in any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance, or within any area that hinders access to parking spaces and/or drive aisles. Such storage devices shall not be stacked. Requests for more than one (1) such device require submission of a Site Plan for review and approval by the Zoning Administrator or his designee, prior to placing the units on the zoning lot.

Industrial Zoning Districts:

- a. No more than one (1) portable storage device not exceeding outside dimensions of forty (40) feet in length, eight (8) feet in width, and nine (9) feet in height shall be permitted per zoning lot in all Industrial Zoning Districts for no more than sixty (60) days per calendar year. Such devices shall be placed on an impervious surface of concrete or asphalt, and shall not be located in any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance, or within any area that hinders access to parking spaces and or access aisles. Such storage devices shall not be stacked. Such storage devices must be screened from view on all sides. Requests for more than one (1) such device require submission of a Site Plan for review and approval by the Zoning Administrator or his designee, prior to placing the units on the zoning lot:
- b. No more than two (2) semi-trailers, with or without tractors, can be stored outside of a loading dock for loading and unloading of goods or materials, for more than five (5) days; and
- c. Portable storage container units cannot be stacked.

Q. COLLECTION/DONATION DEVICES AND BOXES

1. Collection/donation devices (boxes) shall be prohibited within the Village of Tinley Park except as provided below:
 - a. An application letter and dimensioned Site Plan must be submitted for the approval by the Zoning Administrator or his designee. In the event this letter is being submitted by persons other than the owner of the subject property, a letter of authorization from the property owner must also accompany the application request;
 - b. The collection/donation device must be manned during normal business hours seven (7) days per week; and
 - c. The collection/donation device may not be located within any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance.

R. PARKING OF VEHICLES IN RESIDENTIAL ZONING DISTRICTS

1. The parking of vehicles in all Residential Zoning Districts shall comply with the following regulations:
 - a. Whenever a structure is erected, converted, or structurally altered for dwelling use, a minimum number of parking spaces shall be provided on the lot for each dwelling unit on the lot as required by Section VIII.A.10 of this Zoning Ordinance;
 - b. No vehicle shall be parked between the street and the front lot line. Parking of vehicles between the front line of any portion of the building and the front lot line shall be limited to private passenger automobiles not exceeding three-quarter (3/4) ton, except as specifically provided for elsewhere in this Ordinance;
 - c. No unlicensed, unregistered (Village sticker), or inoperable vehicle shall be permitted on any residential property for more than twenty-four (24) hours, unless it is in an enclosed garage; and
 - d. In Residential Zoning Districts, the following vehicles and equipment shall be stored only in a garage or fully enclosed structure:
 - i. Any truck or other type of commercial vehicle or equipment in excess of eight thousand (8,000) pounds;
 - ii. Vehicles requiring a Class D truck plate; and
 - iii. Trailers in excess of three thousand (3,000) pounds or requiring a Class TA trailer plate.

- e. No vehicle used for transporting flammable liquids, explosives, toxic, or noxious materials shall be parked or stored in a Residential Zoning District;
- f. Nothing in the provisions of this Ordinance shall be construed to prohibit trucks or other service vehicles from being parked on the premises temporarily for purposes of making deliveries or rendering service to the property owner;
- g. It shall be unlawful for any person to occupy or use any recreational vehicle for living or sleeping purposes upon any street, alley, lane, highway, municipal off-street parking lot, or other public place or upon any lot, piece, parcel, or tract of land within the Village of Tinley Park, except within a lawfully established and licensed recreational park, campground, or other like facility which is designed and equipped to operate for the purpose of providing temporary accommodations for such units, or as provided for hereinafter in Item h(5); and
- h. In all Residential Zoning Districts, it is permissible to park a recreational vehicle, trailer, or boat and trailer in the following manner:
 - (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zone where located;
 - (2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than two (2) feet to the lot line;
 - (3) Parking is permitted outside on a driveway, provided:
 - i. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard; a corner lot is always deemed to have reasonable access to the rear yard; a fence is not necessarily deemed to prevent reasonable access;
 - ii. Inside parking is not possible; and
 - iii. The unit is parked perpendicular to the front curb.
 - (4) No part of the unit may extend over the public sidewalk or public thoroughfare (right-of-way);
 - (5) Parking is permitted only for storage purposes, and any recreational vehicle or trailer shall not be:
 - i. Used for dwelling purposes except one unit for overnight sleeping of visitors for a maximum of three (3) days in any one calendar year. Cooking is not permitted at any time; butane or propane fuel shall not be used, and the host shall receive no compensation for such parking;

- ii. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging of batteries and other purposes provided the receptacle and connection from the recreational vehicle has been inspected and approved by the Village. This connection must meet the Electrical Code of the Village, and an Electrical Permit must be obtained for all such installations; and
 - iii. Used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.
- (6) Notwithstanding the provisions of Item 3, above, for purposes of active loading and unloading, a recreational vehicle may be parked anywhere on the premises normally deemed as parking space for private passenger automobiles; and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use;
- (7) Subject to the exceptions set forth herein, it shall be unlawful for any owner, lessee, or occupant of any lot, piece, parcel, or tract of land within the Village of Tinley Park, whether for gain, hire, reward, or gratuity, or otherwise, to permit the same to be occupied or used by any vehicle for living or sleeping purposes; and
- (8) Nothing in the provisions of this Ordinance shall be construed to prohibit the owner or operator of any recreational vehicle from parking or storing said unit upon premises owned, leased, or otherwise lawfully occupied or used by him, so long as such unit is not occupied or used for living or sleeping purposes in violation of the provisions of this section of the Ordinance, or any other applicable ordinance or regulation of the Village of Tinley Park.

S. PARKING OF VEHICLES IN BUSINESS DISTRICTS

The parking of vehicles in all business districts shall comply with the following regulations:

1. The parking regulations for dwellings are the same as those in the Residential Zoning Districts;
2. Where any structure is erected, reconstructed, or converted for any of the business purposes permitted in this Section, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each one hundred fifty (150) square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two (2) or more owners of buildings may join together in providing this parking space;
3. Outside parking or storage of any abandoned, damaged, inoperable, dismantled, or

unregistered vehicles for more than forty-eight (48) hours shall be prohibited in all automobile service stations; and

4. Parking of trailers or trucks not registered to the business is prohibited, except when located in an enclosed area that is adequately screened from public view.

T. REGULATION OF TRAFFIC AND PARKING ON PRIVATE PROPERTY

1. Any condominium development, apartment house, or apartment project containing ten (10) or more dwelling units shall enter into a contract with the Village that will permit the Police Department of Tinley Park to regulate traffic and access to the driveways and parking areas which are open to or used by the public, tenants, owners, guests, and employees. A written request by the owner or developer of the specific property shall be filed with the Village Clerk prior to the issuance of any Building Permits.
2. Any owner of any shopping center, business establishment, hospital, or school shall enter into a contract with the Village that will permit the Police Department of Tinley Park to regulate the parking of automobiles and the traffic at such parking areas. A written request by the owner or developer of the specific property shall be filed with the Village Clerk prior to the issuance of any Building Permits.
3. All regulations adopted and traffic control devices employed by the Village in the regulation of traffic on private drives and parking areas, or the parking of automobiles in parking lots of shopping centers, business establishments, apartment complexes or schools shall be consistent with the statutory provisions contained in chapter 95-1/2, Section 11-209 and 209.1 of the Illinois Municipal Code.

U. SITE PLAN REVIEW

No Building Permit shall be issued for the construction or alteration of any multi-family residence, business, office, or industrial building or structure until a Site Plan and Architectural Review has been reviewed by the Planning Department Staff and if required, approved by the Plan Commission. The filing fee for new site plan reviews and amendments (building additions, parking changes, landscape changes, architectural changes, etc.) shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

The Planning Department Staff shall review the site and architectural plans for conformance with this Ordinance and other Codes and Ordinances of the Village, and if required, shall make a report with recommendations to the Plan Commission. Plan Commission review is required if the proposed development requires zoning approval (Variation, Rezoning, Special Use Permit, Map Amendment, or Plat approval). For projects requiring Plan Commission review, after receiving the report of the Planning Department Staff, the Plan Commission shall approve the Site and Architectural Plans, with or without conditions, deny it, or refer it back to the Planning Department Staff for further study.

1. Site Plan Contents:

A Site Plan shall:

- a. Be drawn at a scale of 1" = 50' or larger;
- b. Show boundaries and dimensions graphically, contain a written legal description of the property, and indicate the date and north point;
- c. Show the present and proposed topography of the area by contour lines at one (1) foot intervals;
- d. Show, by use of directional arrow, the proposed flow of storm drainage from the site;
- e. Show the location of existing and proposed structures and indicate the number of stories, gross floor area, and entrances to all structures;
- f. Show the location and dimensions of existing and proposed curb cuts, aisles, off-street parking, loading spaces, and walkways;
- g. Indicate location, height, and material for screening walls and fences;
- h. List the type of surfacing and base course proposed for all parking, loading, and walkway areas;
- i. Describe the proposed use of the site and list the number of required off-street parking spaces. If the exact use is not known at the time of Site Plan submittal, off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use group;
- j. Show the proposed location, indicate direction, and list amount of illumination of proposed lighting facilities; and
- k. Show location of each outdoor trash storage area.

2. Architectural Plan Contents:

An Architectural Plan shall:

- a. Be drawn at a scale of 1/8"=1' 0" or larger;
- b. Provide exterior elevations of all sides of the proposed structure with dimensions;
- c. Identify all building materials along with their specifications; and
- d. Provide building samples as requested by staff.

3. Conditions of Approval:

If Plan Commission review is required, the Planning Department Staff shall first find that the following conditions have been met:

- a. That the proposed Use is a Permitted Use in the district in which the property is located;
- b. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;
- c. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient, and convenient movement of traffic, not only

- within the site but on adjacent roadways as well;
- d. That the Site Plan provides for the safe movement of pedestrians within the site;
 - e. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the Site Plan area not used for buildings, structures, parking, or access-ways shall be landscaped with a mixture of grass, trees, and shrubs;
 - f. That all outdoor trash storage areas are adequately screened; and
 - g. That staff has reviewed the Architectural Plans against the Architectural and Site Design Standards and found them to be in general conformance.

4. Assurance of Performance:

At the recommendation of the Plan Commission, the Village Board may require the applicant to file with the Village Clerk a performance bond as a condition of approval to ensure completion of approved landscaping, fencing, off-street parking and loading, drainage, and other specific items of the Site and/or Architectural Plans. The amount of the performance bond shall be determined by the Village Board. If, upon inspection of the completed project it is found that the conditions of the Site and/or Architectural Plans have been met, the performance bond shall be released to the applicant. If the applicant does not comply within a reasonable time with the conditions of the Site and/or Architectural Plans, the Village Clerk shall give written notice to the applicant and the bonding company. (Reasonable time shall be determined by the life of the performance bond as stated thereupon, less sixty (60) days.) If the conditions of the Site and/or Architectural Plans have not been met thirty (30) days prior to the expiration of the performance bond, the Village shall bring such action as is necessary to ensure completion of the Site and/or Architectural Plan conditions. However, if the applicant can show that he has tried to the utmost of his ability to meet the conditions of the Site and/or Architectural Plans within the time period allotted, but that adversities not of his making have been the cause of his failure to meet the Site and/or Architectural Plan conditions, the Village Board may require that the performance bond be extended for a specified period of time.

5. Time Limitation:

If no Building Permit is issued for the site within one (1) year from the date of Site/Architectural Plan Approval, the Site/Architectural Plan shall become null and void.

6. Architectural and Site Design Standards:

These design standards serve as a tool to encourage good architectural and site design that is cost effective yet contributes in a positive way to the overall quality aesthetic of Tinley Park. In addition to addressing architecture, building materials, and site design, the Village regulates landscape and lighting design through the Zoning Ordinance and Municipal Code. The Architectural and Site Design Standards shall be used in tandem with these other design regulations.

The following standards do not prescribe a certain architectural style; their intent is to encourage architects and builders to fill the gap between general planning policies and specific zoning standards and encourage creative interpretation by developers and architects, resulting in a design that exceeds minimal standards. Buildings should be attractive and memorable for all the right reasons; quality architecture remains the best signage for any business.

The following design standards apply to all non-residential development (including multi-family developments of 3 or more units):

Architecture

- a. Building Materials: The size of the structure will dictate the required building materials (Section V.C. Supplementary District Regulations). Where tilt-up or pre-cast masonry walls (with face or thin brick inlay) are allowed vertical articulation features are encouraged to mask the joint lines. Concrete panels must incorporate architectural finishes that comply with “Building Articulation” (Section III.U.5.h.) standards. Cast in place concrete may be used as an accent alternate building material (no greater than 15% per façade) provided there is sufficient articulation and detail to diminish it’s the appearance if used on large, blank walls.
- b. Cohesive Building Design: Buildings must be built with approved materials and provide architectural interest on all sides of the structure. Whatever architectural style is chosen, a consistent style of architectural composition and building materials are to be applied to all building facades.
- c. Compatible Architecture: All construction, whether it be new or part of an addition or renovation of an existing structure, must be compatible with the character of the site, adjacent structures, and streetscape. Avoid architecture or building materials that significantly diverge from adjacent architecture. Maintain the rhythm of the block in terms of scale, massing, and setback. Where a development includes outlots they shall be designed with compatible and consistent architecture with the primary building(s). Site lighting, landscaping, and architecture shall reflect a consistent design statement throughout the development.
- d. Color: Color choices shall consider the context of the surrounding area and shall not be used for purposes of “attention-getting” or branding of the proposed use. Color choices shall be harmonious with the surrounding buildings; excessively bright or brilliant colors are to be avoided except to be used on a minor scale for accents.
- e. Sustainable architectural design: The overall design must meet the needs of the current use without compromising the ability of future uses. Do not let the current use dictate an architecture so unique that it limits its potential for other uses (i.e. Medieval Times).

- f. Defined Entry: Entrance shall be readily identifiable from the public right-of-way or parking fields. The entry can be clearly defined by using unique architecture, a canopy, overhang or some other type of weather protection, some form of roof element, or enhanced landscaping.
- g. Roof: For buildings 10,000 square feet or less, a pitched roof is required or a parapet that extends the full exterior of the building. For buildings with a continuous roof line of 100 feet or more, a change of at least five feet in height must be made for every 75 feet.
- h. Building Articulation: Large expanses of walls void of color, material, or texture variation are to be avoided. The use of material and color changes, articulation of details around doors, windows, plate lines, the provision of architectural details such as “belly-bands” (decorative cladding that runs horizontally around the building), the use of recessed design elements, exposed expansion joints, reveals, change in texture, or other methods of visual relief are encouraged as a means to minimize the oppressiveness of large expanses of walls and break down the overall scale of the building into intermediate scaled parts. On commercial buildings, facades greater than 100 feet must include some form of articulation of the façade through the use of recesses or projections of at least 6 inches for at least 20% of the length of the façade. For industrial buildings, efforts to break up the long façade shall be accomplished through a change in building material, color or vertical breaks of three feet or more every 250 feet.
- i. Screen Mechanicals: All mechanical devices shall be screened from all public views.
- j. Trash Enclosures: Trash enclosures must be screened on three sides by a masonry wall consistent with the architecture and building material of the building it serves. Gates must be kept closed at all times and constructed of a durable material such as wood or steel. They shall not be located in the front or corner side yard and shall be set behind the front building façade.

Site Design

- a. Building/parking location: Buildings shall be located in a position of prominence with parking located to the rear or side of the main structure when possible. Parking areas shall be designed so as to provide continuous circulation avoiding dead-end parking aisles. Drive-through facilities shall be located to the rear or side of the structure and not dominate the aesthetics of the building. Architecture for canopies of drive-through areas shall be consistent with the architecture of the main structure.
- b. Loading Areas: Loading docks shall be located at the rear or side of buildings whenever possible and screened from view from public rights-of-way.
- c. Outdoor Storage: Outdoor storage areas shall be located at the rear of the site in accordance with Section III.O.1. (Open Storage). No open storage is allowed in front or

corner side yards and not permitted to occupy areas designated for parking, driveways, or walkways.

- d. Interior Circulation: Shared parking and cross access easements are encouraged with adjacent properties of similar use. Where possible, visitor and employee traffic shall be separate from truck or equipment traffic.
- e. Pedestrian Access: Public and interior sidewalks shall be provided to encourage pedestrian traffic. Bicycle use shall be encouraged by providing dedicated bikeways and parking. Where pedestrians or bicycles must cross vehicle pathways, a crosswalk shall be provided that is distinguished by a different pavement material or color.

V. SPECIAL PROVISION PRESERVING CERTAIN RIGHTS

Special provision is hereby established preserving the rights established in unexpired annexation agreements and Ordinances No. 74-0-015, No. 74-0-016, and No. 74-0-017.

W. REGULATIONS FOR PERSONAL WIRELESS SERVICE FACILITIES

1. Purpose and Intent

- a. Promote the health, safety, and general welfare of the public by regulating the siting of wireless communications facilities and antennae;
- b. Minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility with existing telecommunication services;
- c. Encourage the location and Co-Location of wireless communications equipment on existing structures, thereby minimizing visual, aesthetic, and public safety impacts and effects and reducing the need for additional antenna supporting structures;
- d. Accommodate the growing need and demand for wireless communications services;
- e. Encourage coordination between providers of wireless communications services in the Village;
- f. Protect the character, scale, stability, and aesthetic quality of the residential districts of the Village by imposing certain reasonable restrictions on the placement of residential communication facilities;
- g. Establish predictable and balanced regulations governing the construction and location of wireless communications facilities;

- h. Provide for the removal of discontinued antenna supporting structures.

2. Exemptions

- a. The Village is exempt from the regulations herein when there is a demonstrated need for telecommunication services provided by the Village.
- b. Any Small Cell Wireless Facility subject to the Illinois Small Wireless Facilities Deployment Act shall be exempt from these regulations except that the installations shall comply with the Design Standards located in Section III.W.5.c of the Zoning Ordinance (Small Cell Wireless Facility Design Standards) below. Alternatively, such Small Cell Wireless Facilities shall be subject to the regulations in Title IX, Chapter 106 of the Village's Code of Ordinances.

3. General Regulations:

- a. All privately-owned Towers, Antennas, and related components shall not interfere with public safety communications infrastructure.
- b. The Petitioner shall demonstrate that the proposed Antenna(s) and support structure(s) are safe, and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris.
- c. All TCSF support structures shall be fitted with anti-climbing devices, as approved by the manufacturer;
- d. All Towers and Antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and Antennas;
- e. A TCSF shall not have signage or advertising other than signage required by state and federal laws, rules or regulations;
- f. Co-Location and Location on Existing Structures Preferred: In order to minimize adverse visual impacts associated with the proliferation of Towers, Co-Location of Antennas by more than one provider on existing Towers and location of Antennas on existing buildings or structures shall take precedence over the construction of new Freestanding Cell Towers. If a new, Freestanding Cell Tower is proposed, a Special Use Permit shall not be granted unless the Petitioner demonstrates, compliance with the following:
 - (1) A diligent effort has been made to locate the Antenna on an existing Freestanding Cell Tower, building or structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;

- (2) Covenants shall be recorded which require that the Petitioner allow, on a commercially reasonable basis, other providers of personal wireless service facilities and other Antennas to Co-Locate on the proposed Freestanding Cell Tower, where such Co-Location is technologically feasible; and
 - (3) The Site Plan for the construction of a new Freestanding Cell Tower shall delineate an area, either on site or on adjacent property, near the base of the Tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new Freestanding Cell Tower is adequate to allow Co-Location on such site, the Petitioner must allow, on a commercially reasonable basis, other providers to locate on site.
- g. Structural Integrity: A TCSF, including Antenna(s), other component parts, and all related equipment anchorage, shall be designed to withstand the wind force referenced in the applicable building and/or electrical codes currently adopted by the Village including loading without the use of guy wires and including the Telecommunications Industry Association Standards (TIA-222-H, as amended from time to time). As part of the permit application process, the Petitioner shall provide the Village with a structural evaluation of each specific location establishing that the proposed installation meets or exceeds the standards described herein. The evaluation shall be prepared by a structural engineer licensed in the State of Illinois with drawings sealed with a professional seal and including geotechnical verification of the structural design.
- h. Abandonment:
 - (1) In the event the use of a TCSF is discontinued for a period of sixty (60) consecutive days, the TCSF shall be deemed to be abandoned. The equipment owner/operator and the property owner shall notify the Community Development Director of its discontinuation. The Community Development Director or their designee shall determine the date of abandonment based on documentation required from the TCSF owner/operator, property owner, or other appropriate sources. Upon abandonment, the TCSF owner/operator shall have an additional sixty (60) days within which to:
 - i. Reactivate the use of the TCSF either by said owner/operator or transfer of the Tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the TCSF to another owner/operator shall not require Special Use Permit approval provided use of the TCSF is re-activated within the sixty (60) day period, and that the use of the TCSF complies with all conditions of the original Special Use Permit approval and the terms of this Ordinance;
 - ii. Dismantle and remove the TCSF at which time any Special Use Permit approval shall become null and void; and
 - iii. Request approval from the Village Board to allow the abandoned TCSF to remain for a specified period of time. If said approval is granted, the TCSF shall be reactivated or removed within the time period approved by the Village Board

as per regulations herein.

4. Regulations for Locating TCSF

- a. Hierarchy of TCSF Locations: In accordance with Section III.W.3.f (Co-Location and Location on Existing Structures Preferred) of the Zoning Ordinance, the Petitioner must perform their due diligence and demonstrate there are no suitable Co-Location opportunities available on existing TCSF locations. Such Co-Location shall be permitted uses subject to Site Plan approval and regulations provided herein. If no such locations exist, then a new TCSF location, including new Freestanding Cell Towers, shall be sited in accordance with Section III.W.4.c (Location Requirements for New TCSF Locations) of the Zoning Ordinance below.
- b. Location Requirements for TCSF Co-Locations
 - (1) Antennas shall be attached to existing Freestanding Cell Towers or on existing non-residential structures. Existing non-residential structures include tall buildings, water towers and utility structures such as electrical towers used to support the new Antennas. New support poles may be installed within an existing non-residential structure's dimensions with Site Plan approval.
 - (2) Attachment to Existing Freestanding Cell Tower: Antennas shall not project above the top of the monopole and shall not interfere with other Antennas on the monopole.
 - (3) New ground equipment and structures shall meet the requirements of new equipment in Section W.4.c.(2) of the Zoning Code listed below.
 - (4) Attachment to Existing Non-Residential Building:
 - i. Antennas shall only be permitted on the rear and side walls of a building.
 - ii. Antennas attached to an existing building shall not exceed one foot (1') above the top parapet of the building. Antennas shall not project more than one foot (1') from the side of a building.
 - iii. Antennas shall be made to blend into the architecture of the building.
 - (5) Approval for Antenna Co-Location on Existing Freestanding Cell Tower or Existing Structure
 - i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission if the Co-Location involves changes to ground equipment that would alter the existing footprint of the existing ground equipment enclosure.
 - ii. If located on Village property the Petitioner must complete a lease

agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.

- iii. The Petitioner must obtain a Building Permit from the Community Development Department.

c. Location Requirements for New TCSF Locations

- (1) New Freestanding Cell Towers shall be sited in accordance with the hierarchy below.
 - i. A new Freestanding Cell Tower shall first be located on Village-owned property where there is likely to be less visual impact and more visual impact controls. If there are no sites available on Village-owned property, then a new Freestanding Cell Tower shall be located on property owned by a publicly-elected body or district (e.g. library district, park district, school district, etc.). The Petitioner must perform their due diligence and demonstrate there are no suitable locations available on Village-owned property.
 - ii. If there are no suitable sites available as listed in paragraph i in the hierarchy above, then a new Freestanding Cell Tower shall be located on property within the M-1 (General Manufacturing) Zoning District, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - iii. If there are no suitable sites available as listed in paragraphs i or ii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property within the ORI (Office and Restricted Industrial) Zoning District, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - iv. If there are no suitable sites available as listed in paragraphs i, ii, or iii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property in any Business district, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - v. All other locations (all residential zoning districts and within 1,000 feet of any

residential zoning district) for new Freestanding Cell Towers shall require the Petitioner perform due diligence and demonstrate that there are no locations available in the hierarchy of locations listed above. The petitioner shall demonstrate that they are utilizing the least visually obtrusive location. Location of new Freestanding Cell Towers in any Legacy District location is the least preferred location. Disguised Support Structures shall be required for all locations not listed in the hierarchy of locations (i-iv) above.

(2) Yards and Setbacks:

- i. A Freestanding Cell Tower and the associated ground equipment shall be permitted in a rear yard.
- ii. A Freestanding Cell Tower and the associated ground equipment must be set back at least ten feet (10') from the principal structure and ten feet (10') from property lines.

(3) Approval for New Freestanding Cell Towers

- i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- ii. The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
- iii. If located on Village property, the Petitioner must complete a lease agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.
- iv. The Petitioner must obtain a Building Permit from the Community Development Department.

d. Conditions for All TCSF Locations

(1) Maximum Height:

- i. A Freestanding Cell Tower's monopole may extend up to 100' from grade. A lightning rod may extend up to 5' above the top of the monopole.
- ii. Antennas attached to an existing Freestanding Cell Tower shall not project above the top of the monopole.

(2) Color:

- i. A Freestanding Cell Tower, Antennas, and all related equipment and appurtenances shall be a color that blends with the surroundings.

- ii. The use of reflective materials is prohibited.
 - iii. Any wiring shall be covered with an appropriate cover or cable shield. No wiring may be visible.
- (3) Future Co-Locations: All new Freestanding Cell Towers must allow for a minimum of one (1) Co-Location by other potential users.
- (4) Disguised Towers: The Village encourages the use of Disguised Support Structures on Freestanding Cell Towers such as flag poles, monopines, or architectural elements. Such Disguised Support Structures are required as described in Section III.W.4.c.(1).v. of the Zoning Code above.
- (5) Screening:
- i. The Freestanding Cell Tower shall be architecturally compatible with the surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
 - ii. All associated ground equipment shall be screened by a masonry shelter or enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity and aesthetic design of the enclosure.
 - iii. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

5. Regulations for Small Cell Wireless Facilities

a. Small Cell Wireless Facility Locations

- (1) Small Cell Wireless Facilities may be installed on existing Utility Poles in the public right-of-way compliance with the Village's Code of Ordinances.
- (2) When an existing Utility Pole does not exist in compliance with Section III.W.5.a.(1) of the Zoning Ordinance above, a Small Cell Wireless Facility shall require Special Use Permit approval.
- (3) Separation Requirement: Small Cell Wireless Facilities (not exempt from these regulations) shall be attached to a Utility Pole located a minimum of five hundred (500) feet from any other Utility Pole on which a Small Cell Wireless Facility is mounted. A lesser separation may be approved if the Petitioner provides evidence that the lesser separation is necessary to close a significant gap in the Petitioner's

services or to otherwise provide adequate services to customers, and the proposed Small Cell Wireless Facility location is the least intrusive means to do so.

b. Conditions

- (1) Maximum Number of Antennas: Not more than one (1) Small Cell Wireless Facility shall be located on a single pole or structure.
- (2) Surface Area of Antenna:
 - i. The Small Cell Wireless Antenna, including Antenna panels, whip Antennas or dish-shaped Antennas, shall not have a surface area of more than six (6) cubic feet.
 - ii. No single dimension of the Antenna or associated equipment shall exceed six (6) feet.
 - iii. Omnidirectional or whip Antennas shall not extend more than six (6) feet from the pole.

c. Design Standards

- (1) Overall Size: The smallest suitable small cell Antennas, equipment, and facilities available for industry use shall be utilized for all installations.
- (2) Stealth Requirement: The use of stealth technology in the location and construction of Small Cell Wireless Facilities is required. Stealth technology means using the least visually and physically intrusive design and equipment to employ methods that blend into surroundings and not be visible; and to minimize adverse aesthetic and visual impacts on the right-of-way, property, building and/or other facilities adjacent to, surrounding and in generally the same area as the requested location of such Small Cell Wireless Facilities.
- (3) Maximum Height: The top of the highest point of the Antenna shall not extend more than ten (10) feet above the highest point of the existing pole.
- (4) Minimum Height: The bottom of the lowest point of the Antenna shall not be lower than twelve (12) feet above grade.
- (5) Minimum Equipment Height: The operator of a Small Cell Wireless Facility shall, whenever possible, locate the base of the equipment or appurtenances at the highest height possible on the pole, but no lower than nine (9) feet above grade.
- (6) Pole Visual Interference: Small Cell Wireless Facilities shall not interfere with or block any existing signage or other Village installations (banners, holiday décor, flowers, etc.) located on a pole.

- (7) Extensions: Extensions to poles utilized for the purpose of connecting a Small Cell Wireless Facility shall be fabricated from non-metallic material of a neutral color approved by the Village, and shall have a degree of strength capable of supporting the entire Small Cell Wireless Facility and cabling and capable of withstanding wind forces and ice loads in accordance with the structural integrity standards set forth in Section W.3.h. of the Zoning Code above. An extension shall be securely bound to the Utility Pole perpendicular to the ground in accordance with applicable engineering standards for the design and attachment of such extensions. No extensions fabricated from wood shall be permitted.
- (8) Wires and Cables: Any wiring and cables associated with a Small Cell Wireless Facility must be run through the hollow interior of the pole. If proven to be infeasible to run inside of the pole, all wiring and cables shall be covered with an appropriate cover or cable shield. No exterior wires or cables shall be visible under any circumstance.
- (9) Color:
 - i. A Small Cell Wireless Facility, including the Antenna and all related equipment, extensions, appurtenances and covers, shall be a neutral color that blends with the existing pole and the surroundings of the Utility Pole on which it is mounted.
 - ii. The use of reflective materials is prohibited.
- (10) Antenna Panel Covering: A Small Cell Wireless Facility Antenna shall include a radome, cap, or other Antenna panel covering or shield and shall be of a color that blends with the color of the Utility Pole on which it is mounted.
- (11) Guy Wires: No guy or other support wires shall be used in connection with a Small Cell Wireless Facility unless proposed to be attached to an existing Utility Pole that incorporated guy wires prior to the date that a Petitioner has applied for a permit. No additional guy wires shall be added to a utility pole for the purpose of supporting a Small Cell Wireless Facility. If additional guy wires are required for structural integrity reasons, the Utility Pole shall be required to be replaced to be self-supporting and structurally sound without the use of guy wires.
- (12) Decorative Column and Lantern Light Poles: Locating Small Cell Wireless Facilities on a decorative column, lantern or similar light pole located within the Legacy Code Zoning District for visual and aesthetic enhancement reasons (train stations, public facilities, pedestrian walks or corridors, etc.), shall be discouraged. Alternatives to utilizing these decorative light poles should be used including the installation on private property. When Co-Located on decorative light poles, a Small Cell Wireless Facilities shall keep the existing appearance of the light pole and any extensions shall be disguised in a manner similar to the design and appearance of the pole. Due diligence shall be required to indicate proper structural integrity and non-interference with signage or other Village

installations (banners, holiday décor, flowers, etc.) located on a pole.

- (13) **Undergrounding:** Any mechanical equipment or Antenna equipment associated with a Small Cell Wireless Facility that cannot be located on the pole because of structural reasons or because of other restrictions, such as height and size allowances, shall be concealed underground. When located in a public right-of-way where other utilities are not required to complete the same undergrounding requirements, mechanical equipment shall not be required to be placed underground. If the undergrounding of equipment is not possible, feasible or required as stated above, as determined by the Community Development Department or Public Works Department, equipment shall be mounted within a concealment box designed as a decorative pole base or within unobtrusive equipment enclosures mounted directly to the pole. Any ground mounted equipment shall not create a safety or tripping hazard, shall ensure any walkways remain in compliance with all state and federal accessibility laws and shall be constructed in compliance with all Village right-of-way ordinances and design standards.
- (14) **Screening:** Additional landscaping and fencing shall be required to help mitigate the effects of any ground-mounted equipment not feasible to be located underground. This shall include screening all visual appearance of the equipment from roadways and pedestrian facilities. This screening may be used in conjunction with other stealth methods. This may be required by Village staff as part of any permit approval or by the Plan Commission and Village Board as required for any Site Plan, Special Use or Variation requests.
- (15) **Burial or Removal of Utility Poles:** If a utility pole with a Small Cell Wireless Facility is planned to be buried or removed and is no longer required for a utility or public purpose, then the Small Cell Wireless Facility and all associated equipment shall be removed by the carrier within ninety (90) days of notice from the Village or organization which owns/operates the utility pole. The Small Cell Wireless Facility may apply to be relocated to another nearby site in compliance with this ordinance. No Small Cell Wireless Facilities shall be permitted to be placed on utility poles with active studies, plans or permits to be replaced or buried.
- (16) **Illumination:** Small Cell Wireless Facilities shall not be artificially illuminated or marked, except as required by law.
- (17) **Signage:** No signage or advertising shall be visible on any part of the Small Cell Wireless Facility, except as required by law.

d. Approval

- (1) Small Cell Wireless Facilities shall be permitted uses when in compliance with Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above.

- (2) If a Small Cell Wireless Facility is proposed and not in compliance with the location requirements as outlined in Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above, the Petitioner shall have an option to request a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use for a Small Cell Wireless Facility request shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available.
- (3) If located within a Village right-of-way, the Petitioner must complete a lease, master pole agreement or similar agreement with the Village prior to approval of the Special Use Permit.
- (4) The Petitioner must obtain a Small Cell Wireless Facility or similar building permit from the Community Development Department.

6. Regulations for Distributed Antenna Systems (DAS)

a. Location

- (1) All Distributed Antenna Systems must be installed on private property.
- (2) Exterior Antennas shall be located upon existing poles or structures.
- (3) Associated exterior equipment shall only be allowed in a rear yard or on the roof of a principal structure and shall not be located within a front yard or side yards.

b. Conditions

- (1) Surface Area of Antennas: Each Antenna within a Distributed Antenna System shall not have a surface area of more than seven (7) square feet. The surface area shall be calculated by measuring all faces of the Antenna visible from the public right-of-way.
- (2) Height:
 - i. The top of the highest point of the Antenna shall not extend beyond the height of the existing structure that the Antenna is mounted upon.
 - ii. Associated equipment located on the roof of a principal structure shall not exceed ten feet (10') in height.
- (3) Color:

- i. A Distributed Antenna System, including the Antenna and all related equipment and appurtenances, shall be a color that blends with the surroundings of the structure on which it is mounted.
 - ii. The use of reflective materials is prohibited.
 - iii. Any wiring must be covered with an appropriate cover or cable shield.
- (4) Screening:
 - i. The Distributed Antenna System shall be architecturally compatible with the proposed building as well as surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site.
 - ii. All associated ground equipment shall be screened by a masonry enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity of the remainder of the enclosure.
 - iii. All associated equipment located on the roof of a principal structure shall be screened from view from all adjacent public right-of-ways.
 - iv. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.
- c. Approval
 - (1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
 - (2) The Distributed Antenna System is a permitted use if in compliance with all location requirements set forth in Section III.W.6. of the Zoning Code above. Any Distributed Antenna System not in compliance must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use request for a Distributed Antenna System shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate option is available.
 - (3) The Petitioner must obtain a Building Permit from the Community Development Department.

X. HOME OCCUPATIONS

Home occupations shall be subordinate to the principal use of a building as a residential dwelling, and shall conform to the following provisions:

1. The primary use of the building shall be as a residential dwelling unit occupied day and night by the person(s) owning/operating the home occupation;
2. The home occupation shall not employ any other person who is not a member of the family occupying the residential dwelling unit;
3. On-site signs advertising the home occupation shall be prohibited;
4. The home occupation shall not take place in any portion of any attached or detached garage or accessory structure;
5. The home occupation shall not occupy more than twenty (20) percent of the gross floor area of the dwelling unit (excluding any garage or accessory structure). Any area of the dwelling unit (excluding any garage or accessory structure) used for the storage of materials or goods used in conjunction with the home occupation shall be included in the calculation of floor area of the home occupation;
6. The sale of goods or services from the dwelling unit shall be prohibited except by electronic means;
7. The home occupation shall not result in the dwelling unit being visited by customers or clients, except by way of authorization as a Special Use by the Village Board, as well as the issuance of a Village Business License;
8. The outdoor storage of goods or materials used in conjunction with the home occupation is prohibited; and
9. The use or storage of hazardous materials in conjunction with the home occupation shall be prohibited.

SECTION VIII

OFF-STREET PARKING AND LOADING

A. OFF-STREET PARKING REQUIREMENTS

In all Zoning Districts, off-street parking requirements for the storage of motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Comprehensive Amendment, shall be provided as hereinafter prescribed.

1. **Existing Parking Facilities:** Off-street parking existing at the effective date of this Ordinance, which serves an existing building or use, shall not be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new structure or use of that required under the provisions of this Ordinance.
2. **Location:** All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except that spaces may be provided within a radius of three hundred (300) feet from the lot boundary on land which is in the same ownership as the use to which they are accessory, subject to deed restrictions binding the owner and his heirs, successors, and assigns to maintain the required number of spaces available throughout the life of such use.
3. **Joint Parking Facilities:** Two or more buildings or uses may collectively provide the required off-street parking; however, the number of parking spaces shall not be less than the sum of the requirements for the various individual uses computed separately.
4. **Computation:** When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded while a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.
5. **Size:** Each off-street parking space shall have a width of at least nine (9) feet and a length of at least eighteen-and-one-half (18 1/2) feet, exclusive of access drives or aisles, ramps, columns, or work areas. Such space shall have a vertical clearance of at least seven (7) feet.
6. **Access:** There shall be adequate provision for ingress and egress to all parking spaces. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property or curb cut shall exceed a width of thirty (30) feet.

7. **In Yards:** No vehicle shall be parked in any front yard except upon a regularly constructed driveway. Parking lots may be allowed in the front yard if authorized by the Zoning Board of Appeals and provided that the parking is in accord with all other Ordinance provisions. Except in the R-4 District, a parking space that is open to the sky may be located in a required side or rear yard, but shall not be closer than five (5) feet to a lot line.
8. **Parking for Places of Worship:** The number of required off-street parking spaces may be eliminated or reduced if there exists, within five hundred (500) feet of the place of worship, public or private parking lots containing a sufficient number of off-street parking spaces to satisfy the requirements of the following table. The place of worship must provide the difference if the number of parking spaces in the private or public lots is below the number required. Any spaces provided in public or private lots must be shown to be available for worshipers on the day or days of greatest use.
9. **Uses Not Specifically Mentioned:** For those uses not specifically mentioned in the following table, the requirements for off-street parking facilities shall be in accordance with requirements designated by the Plan Commission, and in the case of Special Uses, as recommended by the Zoning Board of Appeals and required by the Village Board of Trustees.
10. **Number of Parking Spaces Required:** The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings, shall be determined in accordance with the following table:

REQUIRED PARKING SPACES

Uses	Minimum Required Off-Street Parking Spaces
Auditorium, Assembly Halls, Theatres	One (1) space for each four (4) seats.
Automobile Service Stations	One (1) space for each employee, plus three (3) spaces for each grease rack or service stall.
Banks and Other Financial Institutions	One (1) space for each two hundred (200) square feet of floor area, plus one (1) space for each two (2) employees. Drive-in establishments shall provide six (6) stacking spaces per teller or customer service area.
Banquet Facilities in B-1 (<i>Ord. No. 19-O-048</i>)	1.5 Spaces/100 sq.ft. *
Banquet Facilities in B-4 (<i>Ord. No. 19-O-048</i>)	1 space/100 sq.ft. *
Banquet Facilities in ORI & M-1 (<i>Ord. No. 19-O-048</i>)	1 space/200 sq.ft. *
Banquet Facilities in B-2 & B-3 (<i>Ord. No. 19-O-048</i>)	1 space/200 sq.ft. *if shared parking opportunities
Banquet Facilities in B-2 & B-3 (<i>Ord. No. 19-O-048</i>)	1 space/100 sq.ft. *if no shared parking opportunities
Barber Shops	Three (3) spaces for each barber chair.
Beauty Parlors	One (1) space for each fifty (50) square feet of floor area.
Bowling Area	Five (5) spaces for each bowling lane, plus required parking space for any bar, restaurant, or affiliated use.

Churches and Places of Worship	One (1) space for each four (4) seats, or for each ninety (90) lineal inches of seating space in the main place of assembly.
Dwellings, Single-Family	Three (3) spaces for each dwelling unit.
Dwellings, Two-Family and Multiple-Family	Two-and-one-half (2 1/2) spaces for each dwelling unit.
Drive-In Eating Establishments	One (1) space for each thirty (30) square feet of gross floor area, but not less than twenty (20) spaces.
Uses	Minimum Required Off-Street Parking Spaces
Eating or Drinking Place, Bar, Cocktail Lounge, or Indoor Entertainment	One (1) space for each three (3) seats, plus one (1) space for each employee.
Fast Food, Carry-Out	Minimum of five (5) spaces plus one (1) space for each employee.
Funeral Homes	Twenty (20) spaces for each chapel, plus one (1) space for each funeral vehicle kept on the premises.
Furniture and Appliance Stores	One (1) space for each six hundred (600) square feet of floor area.
Hospitals	One (1) space for each two (2) beds, plus one (1) space for each vehicle used in the conduct of the enterprise.
Industrial Establishments, Including Manufacturing and Assembly Plants	One (1) space for each two (2) employees, plus one (1) space for each vehicle used in the conduct of the enterprise.
Medical or Dental Office	Two (2) spaces for each office, examination room, or treatment room, plus one (1) space for each employee.
Motels, Hotels, and Inns	One (1) space for each unit, and one (1) space for each employee, plus required parking spaces for bar, restaurant, or affiliated use.
Motor Vehicle and Machinery Sales	One (1) space for each six hundred (600) square feet of floor area plus one (1) space for each employee.
Senior Housing: Independent Living Units	One-and-one-half (1 1/2) spaces per unit. For the purposes of this requirement, independent living units shall include, but not limited to, dwelling units defined under this Code as independent living units, congregate housing units, and senior apartments.
Senior Housing: Assisted Living Units	One-half (1/2) space per dwelling unit. For the purposes of this requirement, assisted living units shall include, but not limited to, dwelling units contained in nursing homes as defined under this Code.
Senior Housing: Mixed Housing Units	Mixed housing units providing a mixture of independent living units and assisted living units, including, but not limited to, units contained in facilities defined under this Code as continuing care retirement communities and rest homes: one-and-one-half (1 1/2) spaces per independent living dwelling unit and one-half (1/2) space per assisted living dwelling unit.
Office/Business and Professional	One (1) space for each two hundred fifty (250) square feet of floor space.
Private Clubs and Lodges	One (1) space for each lodging room and one (1) space for each three (3) seats of designed seating capacity.
Retail Store or Personal Service Establishments	One (1) space for each one hundred fifty (150) square feet of gross leasable floor area, or when located within a planned shopping area, six and one-half (6 1/2) spaces per one thousand (1,000) square feet of gross leasable floor area.
Warehouse and Storage Buildings	One (1) space for each two (2) employees, plus one (1) space for each vehicle used in the conduct of the business.

B. OFF-STREET LOADING REQUIREMENTS

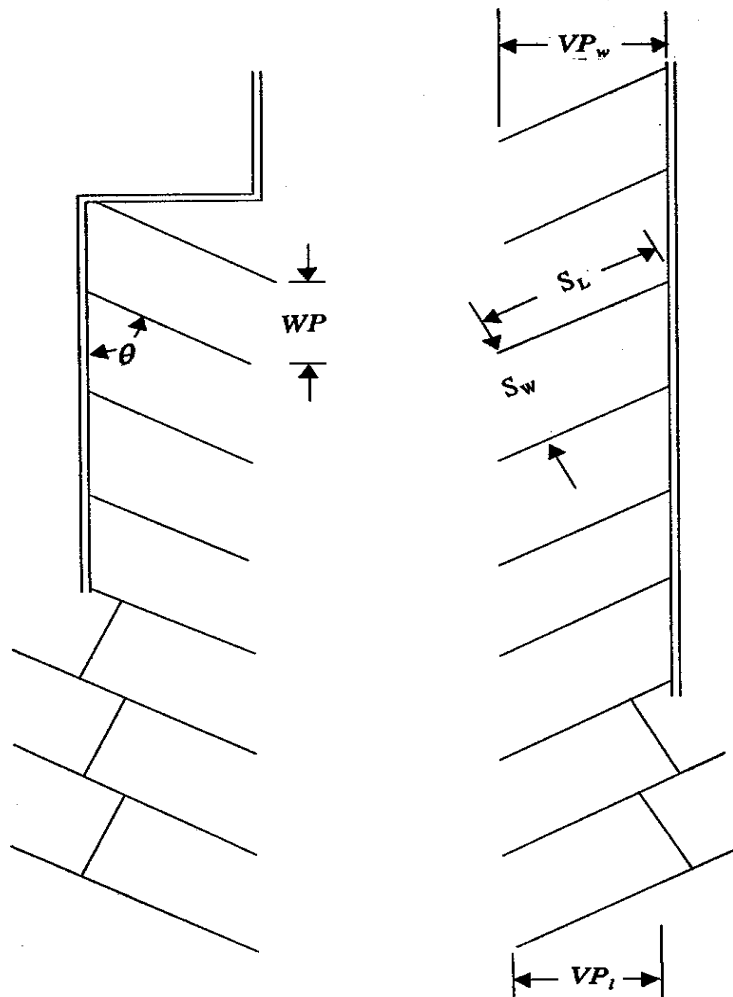
There shall be provided and maintained adequate off-street loading and unloading facilities in connection with any structure or use which is to be erected or substantially altered and which requires the receipt or distribution of material or merchandise by truck or similar vehicle. Said off-street loading shall be provided in accordance with the following requirements:

1. **Size and Location:** Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length, and have a minimum vertical clearance of fourteen (14) feet, and it shall be so located as to minimize traffic congestion. Off-street loading space may occupy all or any part of any required yard; however, no portion of a vehicle shall project into a street, sidewalk, or alley while being loaded or unloaded;
2. **Utilization:** Space allocated to any off-street loading spaces shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof. An area adequate for maneuvering, ingress and egress, shall be provided in addition to the required loading space; and
3. **Required Number of Off-Street Loading Spaces:** The minimum amount of off-street loading space shall be provided, according to the following table:

Square Feet of Gross Floor Area	Required Number of Spaces
Up to 20,000	1
20,001 to 40,000	2
40,0001 to 70,000	3
70,001 to 120,000	4
120,001 to 200,000	5

For each additional one hundred thousand (100,000) square feet, one (1) additional loading space is required.

Table 1. Dimensional Elements of Parking Layouts



θ Parking angle

WP Stall width parallel to aisle

VP_i Projected vertical length from interlock

VP_w Projected vertical length from wall measured

S_L Stall length

S_w Stall width

Table 2. Parking Lot Dimension Guidelines **

S_w Basic Stall Width (feet)	WP Stall Width Parallel to Aisle	VP_w Stall Depth to Wall (feet)	VP_i Stall Depth to Interlock (feet)	AW Aisle Width (feet)
<i>Two-Way Aisle -- 90 Degrees</i>				
9.00	9.00	18.5	18.5	26
<i>Two-Way Aisle -- 60 Degrees</i>				
9.00	10.4	19.0	17.5	26
<i>One-Way Aisle -- 75 Degrees</i>				
9.00	9.3	19.5	18.5	22
<i>One-Way Aisle -- 60 Degrees</i>				
9.00	10.4	19.0	17.5	18
<i>One-Way Aisle -- 45 Degrees</i>				
9.00	12.7	17.5	15.5	15

**** Note: See Table 1 for description of Elements**

C. DEVELOPMENT AND MAINTENANCE OF PARKING AND LOADING AREAS

Every parcel of land hereafter used as a public or private parking area for five (5) or more cars, or as a loading area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. **Screening and Landscaping:** Off-street parking areas for five (5) or more vehicles, and off-street loading areas, shall be effectively screened on each side adjoining or fronting on property situated in a residential district, or any institutional premises by a fence and/or densely planted compact hedge, not less than four (4) feet nor more than seven (7) feet in height;
2. **Minimum Distances and Setbacks:** No off-street loading area or parking area, or part thereof, for five (5) or more vehicles, shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, or five (5) feet from any lot line;
3. **Surfacing:** Any off-street parking, or off-street loading area, shall be surfaced with an impervious surface. All areas shall be marked so as to provide for the orderly and safe loading, parking, and storage of self-propelled vehicles;
4. **Lighting:** Lighting used to illuminate any off-street parking or loading area, shall be so arranged as to reflect the light away from adjoining premises. Off-street parking facilities for multiple-family dwellings shall be adequately lighted;
5. **Drainage:** Any off-street parking area and off-street loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses; and
6. **Repair and Service:** No storage of any kind, nor any repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies, shall be permitted within any required off-street parking and/or loading space.

D. ADDITIONAL REGULATIONS

1. **Submission of Plot Plan:** Any application for a Building Permit, or Certificate of Occupancy where no Building Permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing all parking and loading facilities in compliance with this Ordinance.
2. **Control of Off-Site Parking Facilities:** In cases where parking facilities are permitted on a lot, other than the lot on which the building or use served is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-street parking facilities shall be authorized, and no occupancy permit shall be issued, until and unless the Zoning Board of Appeals has reviewed the plans, heard the applicant, and made

findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue, and that the off-site parking facilities are reasonably certain to continue, and that the off-site parking facilities will be maintained at all times during the life of the proposed building or use.

SECTION VIII

OFF-STREET PARKING AND LOADING

A. OFF-STREET PARKING REQUIREMENTS

In all Zoning Districts, off-street parking requirements for the storage of motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Comprehensive Amendment, shall be provided as hereinafter prescribed.

1. **Existing Parking Facilities:** Off-street parking existing at the effective date of this Ordinance, which serves an existing building or use, shall not be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new structure or use of that required under the provisions of this Ordinance.
2. **Location:** All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except that spaces may be provided within a radius of three hundred (300) feet from the lot boundary on land which is in the same ownership as the use to which they are accessory, subject to deed restrictions binding the owner and his heirs, successors, and assigns to maintain the required number of spaces available throughout the life of such use.
3. **Joint Parking Facilities:** Two or more buildings or uses may collectively provide the required off-street parking; however, the number of parking spaces shall not be less than the sum of the requirements for the various individual uses computed separately.
4. **Computation:** When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded while a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.
5. **Size:** Each off-street parking space shall have a width of at least nine (9) feet and a length of at least eighteen-and-one-half (18 1/2) feet, exclusive of access drives or aisles, ramps, columns, or work areas. Such space shall have a vertical clearance of at least seven (7) feet.
6. **Access:** There shall be adequate provision for ingress and egress to all parking spaces. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property or curb cut shall exceed a width of thirty (30) feet.

7. **In Yards:** No vehicle shall be parked in any front yard except upon a regularly constructed driveway. Parking lots may be allowed in the front yard if authorized by the Zoning Board of Appeals and provided that the parking is in accord with all other Ordinance provisions. Except in the R-4 District, a parking space that is open to the sky may be located in a required side or rear yard, but shall not be closer than five (5) feet to a lot line.
8. **Parking for Places of Worship:** The number of required off-street parking spaces may be eliminated or reduced if there exists, within five hundred (500) feet of the place of worship, public or private parking lots containing a sufficient number of off-street parking spaces to satisfy the requirements of the following table. The place of worship must provide the difference if the number of parking spaces in the private or public lots is below the number required. Any spaces provided in public or private lots must be shown to be available for worshippers on the day or days of greatest use.
9. **Uses Not Specifically Mentioned:** For those uses not specifically mentioned in the following table, the requirements for off-street parking facilities shall be in accordance with requirements designated by the Plan Commission, and in the case of Special Uses, as recommended by the Zoning Board of Appeals and required by the Village Board of Trustees.
10. **Number of Parking Spaces Required:** The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings, shall be determined in accordance with the following table:

REQUIRED PARKING SPACES

Uses	Minimum Required Off-Street Parking Spaces
Auditorium, Assembly Halls, Theatres	One (1) space for each four (4) seats.
Automobile Service Stations	One (1) space for each employee, plus three (3) spaces for each grease rack or service stall.
Banks and Other Financial Institutions	One (1) space for each two hundred (200) square feet of floor area, plus one (1) space for each two (2) employees. Drive-in establishments shall provide six (6) stacking spaces per teller or customer service area.
Banquet Facilities in B-1 (Ord. No. 19-O-048)	1.5 Spaces/100 sq.ft. *
Banquet Facilities in B-4 (Ord. No. 19-O-048)	1 space/100 sq.ft. *
Banquet Facilities in ORI & M-1 (Ord. No. 19-O-048)	1 space/200 sq.ft. *
Banquet Facilities in B-2 & B-3 (Ord. No. 19-O-048)	1 space/200 sq.ft. *if shared parking opportunities
Banquet Facilities in B-2 & B-3 (Ord. No. 19-O-048)	1 space/100 sq.ft. *if no shared parking opportunities
Barber Shops	Three (3) spaces for each barber chair.
Beauty Parlors	One (1) space for each fifty (50) square feet of floor area.
Bowling Area	Five (5) spaces for each bowling lane, plus required parking space for any bar, restaurant, or affiliated use.

Churches and Places of Worship	One (1) space for each four (4) seats, or for each ninety (90) lineal inches of seating space in the main place of assembly.
Dwellings, Single-Family	Three (3) spaces for each dwelling unit.
Dwellings, Two-Family and Multiple-Family	Two-and-one-half (2 1/2) spaces for each dwelling unit.
Drive-In Eating Establishments	One (1) space for each thirty (30) square feet of gross floor area, but not less than twenty (20) spaces.
Uses	Minimum Required Off-Street Parking Spaces
Eating or Drinking Place, Bar, Cocktail Lounge, or Indoor Entertainment	One (1) space for each three (3) seats, plus one (1) space for each employee.
Fast Food, Carry-Out	Minimum of five (5) spaces plus one (1) space for each employee.
Funeral Homes	Twenty (20) spaces for each chapel, plus one (1) space for each funeral vehicle kept on the premises.
Furniture and Appliance Stores	One (1) space for each six hundred (600) square feet of floor area.
Hospitals	One (1) space for each two (2) beds, plus one (1) space for each vehicle used in the conduct of the enterprise.
Industrial Establishments, Including Manufacturing and Assembly Plants	One (1) space for each two (2) employees, plus one (1) space for each vehicle used in the conduct of the enterprise.
Medical or Dental Office	Two (2) spaces for each office, examination room, or treatment room, plus one (1) space for each employee.
Motels, Hotels, and Inns	One (1) space for each unit, and one (1) space for each employee, plus required parking spaces for bar, restaurant, or affiliated use.
Motor Vehicle and Machinery Sales	One (1) space for each six hundred (600) square feet of floor area plus one (1) space for each employee.
Senior Housing: Independent Living Units	One-and-one-half (1 1/2) spaces per unit. For the purposes of this requirement, independent living units shall include, but not limited to, dwelling units defined under this Code as independent living units, congregate housing units, and senior apartments.
Senior Housing: Assisted Living Units	One-half (1/2) space per dwelling unit. For the purposes of this requirement, assisted living units shall include, but not limited to, dwelling units contained in nursing homes as defined under this Code.
Senior Housing: Mixed Housing Units	Mixed housing units providing a mixture of independent living units and assisted living units, including, but not limited to, units contained in facilities defined under this Code as continuing care retirement communities and rest homes: one-and-one-half (1 1/2) spaces per independent living dwelling unit and one-half (1/2) space per assisted living dwelling unit.
Office/Business and Professional	One (1) space for each two hundred fifty (250) square feet of floor space.
Private Clubs and Lodges	One (1) space for each lodging room and one (1) space for each three (3) seats of designed seating capacity.
Retail Store or Personal Service Establishments	One (1) space for each one hundred fifty (150) square feet of gross leasable floor area, or when located within a planned shopping area, six and one-half (6 1/2) spaces per one thousand (1,000) square feet of gross leasable floor area.
Warehouse and Storage Buildings	One (1) space for each two (2) employees, plus one (1) space for each vehicle used in the conduct of the business.

11. Accessible Parking: Parking spaces shall comply with the current edition of the Illinois Accessibility Code. Any parking lot being repaved, seal coated, or re-stripped shall comply with the current edition of the Illinois Accessibility Code.

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B. OFF-STREET LOADING REQUIREMENTS

There shall be provided and maintained adequate off-street loading and unloading facilities in connection with any structure or use which is to be erected or substantially altered and which requires the receipt or distribution of material or merchandise by truck or similar vehicle. Said off-street loading shall be provided in accordance with the following requirements:

1. **Size and Location:** Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length, and have a minimum vertical clearance of fourteen (14) feet, and it shall be so located as to minimize traffic congestion. Off-street loading space may occupy all or any part of any required yard; however, no portion of a vehicle shall project into a street, sidewalk, or alley while being loaded or unloaded;
2. **Utilization:** Space allocated to any off-street loading spaces shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof. An area adequate for maneuvering, ingress and egress, shall be provided in addition to the required loading space; and
3. **Required Number of Off-Street Loading Spaces:** The minimum amount of off-street loading space shall be provided, according to the following table:

Square Feet of Gross Floor Area	Required Number of Spaces
Up to 20,000	1
20,001 to 40,000	2
40,001 to 70,000	3
70,001 to 120,000	4
120,001 to 200,000	5

For each additional one hundred thousand (100,000) square feet, one (1) additional loading space is required.

Table 1. Dimensional Elements of Parking Layouts

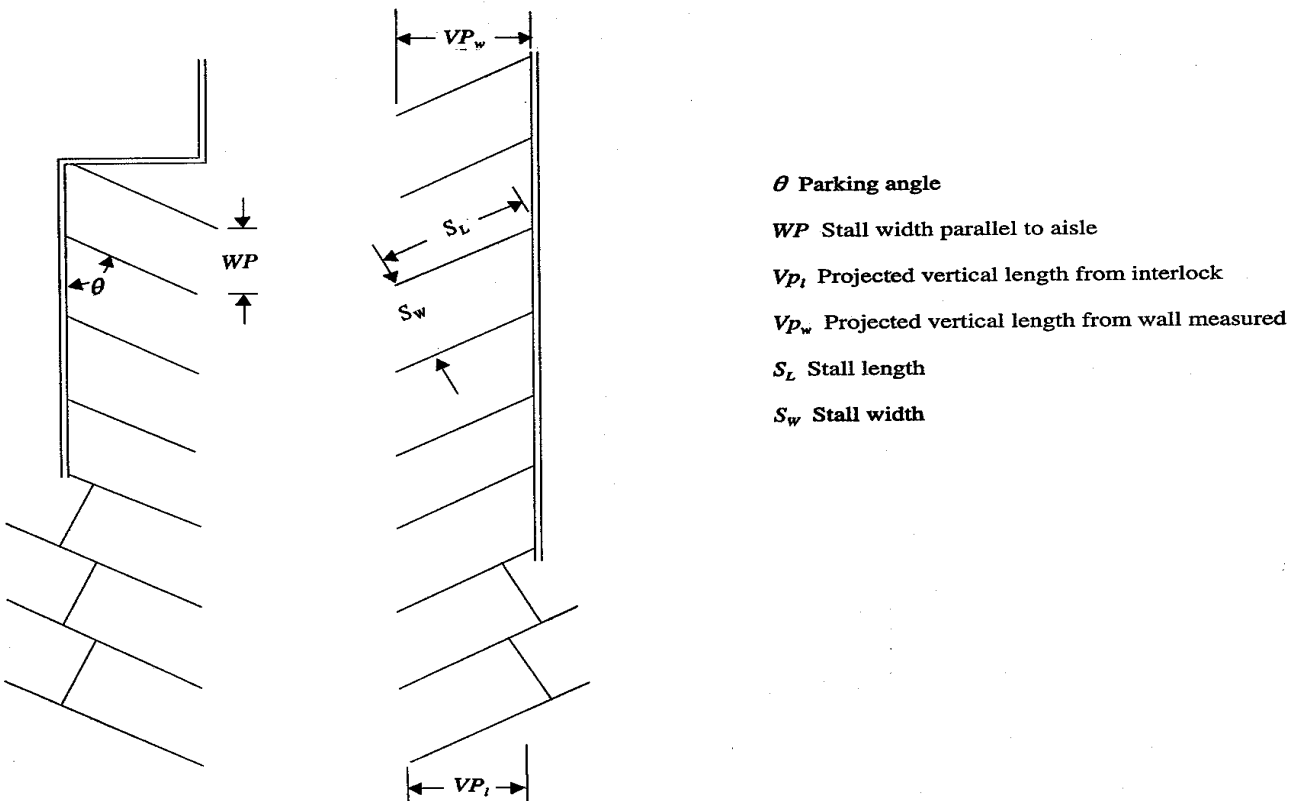


Table 2. Parking Lot Dimension Guidelines **

S_w Basic Stall Width (feet)	WP Stall Width Parallel to Aisle	VP_w Stall Depth to Wall (feet)	VP_i Stall Depth to Interlock (feet)	AW Aisle Width (feet)
<i>Two-Way Aisle -- 90 Degrees</i>				
9.00	9.00	18.5	18.5	26
<i>Two-Way Aisle -- 60 Degrees</i>				
9.00	10.4	19.0	17.5	26
<i>One-Way Aisle -- 75 Degrees</i>				
9.00	9.3	19.5	18.5	22
<i>One-Way Aisle -- 60 Degrees</i>				
9.00	10.4	19.0	17.5	18
<i>One-Way Aisle -- 45 Degrees</i>				
9.00	12.7	17.5	15.5	15

**** Note: See Table 1 for description of Elements**

C. DEVELOPMENT AND MAINTENANCE OF PARKING AND LOADING AREAS

Every parcel of land hereafter used as a public or private parking area for five (5) or more cars, or as a loading area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. **Screening and Landscaping:** Off-street parking areas for five (5) or more vehicles, and off-street loading areas, shall be effectively screened on each side adjoining or fronting on property situated in a residential district, or any institutional premises by a fence and/or densely planted compact hedge, not less than four (4) feet nor more than seven (7) feet in height;
2. **Minimum Distances and Setbacks:** No off-street loading area or parking area, or part thereof, for five (5) or more vehicles, shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, or five (5) feet from any lot line;
3. **Surfacing:** Any off-street parking, or off-street loading area, shall be surfaced with an impervious surface. All areas shall be marked so as to provide for the orderly and safe loading, parking, and storage of self-propelled vehicles;
4. **Lighting:** Lighting used to illuminate any off-street parking or loading area, shall be so arranged as to reflect the light away from adjoining premises. Off-street parking facilities for multiple-family dwellings shall be adequately lighted;
5. **Drainage:** Any off-street parking area and off-street loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses; and
6. **Repair and Service:** No storage of any kind, nor any repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies, shall be permitted within any required off-street parking and/or loading space.

D. ADDITIONAL REGULATIONS

1. **Submission of Plot Plan:** Any application for a Building Permit, or Certificate of Occupancy where no Building Permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing all parking and loading facilities in compliance with this Ordinance.
2. **Control of Off-Site Parking Facilities:** In cases where parking facilities are permitted on a lot, other than the lot on which the building or use served is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-street parking facilities shall be authorized, and no occupancy permit shall be issued, until and unless the Zoning Board of Appeals has reviewed the plans, heard the applicant, and made

findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue, and that the off-site parking facilities are reasonably certain to continue, and that the off-site parking facilities will be maintained at all times during the life of the proposed building or use.

3. **Approved Surfaces and No Loose Stone:** All driveways, aprons, and parking areas in all zoning districts shall be paved with an impervious surface such as concrete, asphalt paving, or with permeable pavers designed for acceptable vehicle usage when approved by the Village Engineer and Community Development Director. Loose stone is a prohibited surface for parking or drive aisle areas. Any gravel or loose stone areas shall be appropriately paved per the approved plans or removed and restored with top soil and turf.

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PLAN COMMISSION STAFF REPORT

May 19, 2022 – Workshop

Zoning Code Text Amendment – Extended Stay Hotels

Petitioner

Village of Tinley Park

Zoning Code Sections

Section II (Rules and Definitions), Section V (District Regulations), and VIII (Off-Street Parking and Loading)

Approvals Sought

Text Amendment

Project Planner

Daniel Ritter, AICP
Planning Manager



EXECUTIVE SUMMARY

The Tinley Park Zoning Ordinance currently regulates most temporary lodging accommodations as a “Hotel, Motel, or Motor Inn”. Separate definitions relate to “Boarding Houses,” “Bed and Breakfast,” and “Short-Term Rental.” However, the current zoning definitions and regulations for are rather dated and may require revision to understand how they relate to the current trends, markets, and the Village’s overall vision.

The proposed text amendment is specific to extended stay hotels, which are a sub-market of hotels that focuses on guests who stay for longer periods (anywhere from 3 days to many months). The extended stay hotel market has grown substantially in recent years. This has led to hotel conversions and new construction of extended stay hotel brands across the nation. However, as it relates to land use, an extended stay hotel can function very differently than traditional hotels in terms of its amenities, operations, and effects on the local economy. They can also bring challenges to areas that are not designed for them if they begin to function as a multi-family residential use rather than temporary lodging for visitors.

To allow the Village the ability to review the unique aspects of extended stay hotels (for new developments as well as conversions of existing hotels) staff has proposed amending the Zoning Ordinance that would differentiate extended stay hotels from other lodging accommodations. Extended stay hotels are proposed to be a Special Use in all situations where hotels are currently allowed as a Permitted or Special Use. In each situation an extended stay hotel use can be reviewed based on the Standards for a Special Use (Section X.J.5. of the Zoning Ordinance) to ensure it is operated safely, functions appropriately as a hotel, and does not negatively affect neighboring properties or the Village’s economy.

VILLAGE HOTEL BACKGROUND

Following the completion of the World Music Theater in 1990, the Village began to look at the land surrounding I-80 as a likely entertainment and tourism corridor that could create increased tax revenue, increased amenities, and increased public services. Hotels developed mostly around the Harlem Avenue exit through the 90's and early 00's. In 2003, the two-hotel development on LaGrange Road was proposed. The Village currently has 11 hotels, with the twelfth under construction (Holiday Inn); 9 hotels are centered near the I-80 Harlem Avenue exit with the other 2 hotels near the I-80 LaGrange exit.

A requirement for a minimum 5-acre lot was added in 1997 in areas zoned B-3 (General Business and Commercial). The preference was to encourage the location of both larger and full-service primary-brand hotels (Marriott, Hyatt, etc.) within the village's main commercial corridors, as opposed to smaller, limited-service, and economy-level hotels that were already existing. The preference for larger hotels was to also limit cannibalization of the existing hotel market that could lower rates, while also encouraging tourism and capturing different guests who prefer larger brand hotels and more services.

In 2019, the Village similarly amended the code to differentiate short-term rentals as opposed to other lodging or residential uses. These were permitted in residential districts but must be in owner-occupied units, not less than 500 feet from another rental and no more than 25% of units in a multi-family building. Additionally licensing requirements were put in place as well as Crime-Free housing training requirements.

EXTENDED STAY HOTEL BACKGROUND

Extended Stay Hotels are a sub-market of the hotel industry that has grown in popularity over the last few years as a hotel specifically marketed for guests that have longer-term stays. These longer stays may be for several reasons including temporary work locations, work training, temporary housing during disasters or home renovations, visiting relatives for extended periods, and many other reasons. While longer guest stays have always been a part of the hotel industry, hotels catering to this specific sub-market are more of a recent trend. Extended stay hotels typically offer fewer traditional hotel amenities (pools, fitness center, meeting rooms, bars/restaurants, etc.) and fewer or limited hotel services (breakfast, 24/7 front desk staffing, daily room cleaning, etc.) However, extended stays do offer a larger average room size and typically have small kitchen area with a stove, microwave cabinets, and a full-sized refrigerator. They come fully furnished typically with seating and work areas that allow for a more comfortable long-term stay. Extended stay hotels typically offer cheaper daily rates for long-term guests than many traditional hotels. However, they also maintain allowances for daily and short-term stays for leisure guests that may prefer a larger room or a cheaper rate without typical hotel services.

Extended stay hotels have a wide range of different services and operations. Some common brands include Staybridge Suites, Home2 Suites, Homewood Suites, Extended Stay America, Candlewood Suites, and Hyatt House. The village currently has one extended stay hotel, Woodspring Suites at 18636 West Creek Dr. However, the Village has had specific requests for at least two other extended stay developments in the last few years, and other inquiries as to their allowances. Staff notes that the proposed changes would not affect any developments that are currently pursuing approval in the Village; they would only regulate new extended stay hotels going forward (whether new development or conversion).

Concerns with extended stay hotels from a land use perspective include that they can begin to function less as a commercial hotel use for temporary visitors and more as a multi-family residential building. In this regard, their preferred locations, site design, parking needs, walkability, access to public services, effects on the local economy, and many other items differ greatly. Public safety concerns are noted as well since they typically do not run thorough background checks, require registering of vehicles, or may not have staff always present on site. Any potential negative effects of an extended stay hotel can be compounded when located near each other or have a large number of rooms in one community.

Changes to hotel licensing requirements are being proposed concurrently with these Zoning Ordinance changes. The licensing changes relate to other operational requirements of all hotels that includes minimum and maximum stay length, record requirements, and security measures with regards to security and monitoring requirements. While not part of the Zoning Ordinance or being reviewed with this item, a draft of those regulations is attached to help the Commission understand what items are required for any hotel to be licensed in the Village.

Proposed definitions and regulations are outlined below that would allow a differentiation between the hotel types. Staff and the Village Attorney preferred to focus on the design aspects as opposed to specific stay lengths as there are legitimate reasons for long-term stays at any hotel that may be needed. Additionally, a percentage of rooms was chosen to allow for there to be clear delineation line between a hotel and extended stay hotel. Other small changes are proposed to parts of the Zoning Ordinance to keep consistency in the regulations.

EXISTING DEFINITION AND REGULATION

HOTEL, MOTEL, OR MOTOR INN: A Hotel, Motel, or Motor Inn is an establishment containing lodging accommodations designed for use by transients, travelers, or temporary guests. Facilities provided may include maid service, laundering of linens used on the premise, telephone and secretarial or desk services, meeting rooms, and restaurants, including the sale of alcoholic beverages.

OTHER USES	R-1 thru R-7	B-1	B-2	B-3	B-4	B-5	ORI	M-1	MU-1
Hotel, Motel, Or Motor Inn	X	X	S	Pⁿ	X	X	P	P	X

ⁿ Hotel, motel, or motor inn is to be on a lot no less than five (5) acres in area.

PROPOSED NEW DEFINITIONS AND REGULATION

HOTEL, MOTEL, OR MOTOR INN: A Hotel, Motel, or Motor Inn means any public or private space or structure, including but not limited to, any inn, hostelry, tourist home, motel, bed and breakfast, lodging house or motel rooming house offering space for sleeping or overnight accommodations in exchange for rent. Hotel includes the parking lot and other common areas of the hotel. Hotel does not include living accommodations provided at any governmental or nonprofit institution in connection with the functions of that institution.

HOTEL, EXTENDED STAY: A Hotel containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), a cook-top/stove or microwave, and a dishwasher or sink, and a self-serve laundry facility is available for guests use.

OTHER USES	R-1 thru R-7	B-1	B-2	B-3	B-4	B-5	ORI	M-1	MU-1
Hotel, Motel, Or Motor Inn	X	X	S	Pⁿ	X	X	P	P	X
Hotel, Extended Stay	X	X	S	Sⁿ	X	X	S	S	X

ⁿ Hotel, motel, motor inn, or extended stay hotel is to be on a lot no less than five (5) acres in area.

RECOMMENDATION

Upon completion of a successful Plan Commission Workshop, proceed to a Public Hearing scheduled for June 2, 2022, at the regular Plan Commission meeting.

THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE

NO. _____

**AN ORDINANCE APPROVING CERTAIN TEXT AMENDMENTS TO THE VILLAGE
OF TINLEY PARK ZONING ORDINANCE DEFINING AND PERTAINING TO
EXTENDED STAY HOTELS IN CERTAIN ZONING DISTRICTS**

**MICHAEL W. GLOTZ, PRESIDENT
NANCY M. O'CONNOR, VILLAGE CLERK**

**WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
DENNIS P. MAHONEY
MICHAEL G. MUELLER
COLLEN M. SULLIVAN
Board of Trustees**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. _____

AN ORDINANCE APPROVING CERTAIN TEXT AMENDMENTS TO THE VILLAGE OF TINLEY PARK ZONING ORDINANCE DEFINING AND PERTAINING TO EXTENDED STAY HOTELS IN CERTAIN ZONING DISTRICTS

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Village of Tinley Park (“Village”) desires to amend (“Amendments”) its Zoning Ordinance to define and regulate extended stay hotels; and

WHEREAS, the proposed Amendments have been referred to the Plan Commission of the Village and have been processed in accordance with the Village of Tinley Park Ordinance; and

WHEREAS, the Plan Commission held a public hearing on the proposed Amendments on June 2, 2022, at which time all persons were afforded an opportunity to be heard; and

WHEREAS, the Plan Commission voted _____ in favor to recommend said Amendments to the Tinley Park Zoning Ordinance; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the proposed Amendments be granted with this President and Board of Trustees, and this Board of Trustees has duly considered said report of findings and recommendations; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village of Tinley Park and its residents to approve said Amendments to the Tinley Park Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: That the report and findings and recommendations of the Plan Commission of this Village are herein incorporated by reference as the findings of this Board of Trustees, as completely, as if fully recited herein at length.

SECTION 2: That Section II “Rules and Definitions” Subjection B “Definitions” is hereby amended by adding the following underlined language:

BOARDING HOUSE: A Boarding House is a dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of not less than one (1) week. A Boarding House is to be distinguished from a Hotel, Extended Stay Hotel, Motel, or a Convalescent or Nursing Home.

DWELLING: A Dwelling is a building, or portion thereof, designed or used exclusively for residential purposes, including single-family, two-family, multiple-family, and group home dwellings, but not including Hotels, Extended Stay Motels, Motels, Boarding, or Lodging Houses.

HOTEL, EXTENDED STAY: A Hotel containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), a cook-top/stove or microwave, and a dishwasher or sink, and a self-serve laundry facility is available for guests use.

HOTEL, MOTEL, OR MOTOR INN: ~~A Hotel, Motel, or Motor Inn is an establishment containing lodging accommodations designed for use by transients, travelers, or temporary guests. Facilities provided may include maid service, laundering of linens used on the premise, telephone and secretarial or desk services, meeting rooms, and restaurants, including the sale of alcoholic beverages means any~~ public or private space or structure, including but not limited to, any inn, hostelry, tourist home, motel, bed, and breakfast, lodging house or motel rooming house offering space for sleeping or overnight accommodations in exchange for rent. Hotel includes the parking lot and other common areas of the hotel. Hotel does not include living accommodations provided at any governmental or nonprofit institution in connection with the functions of that institution.

SECTION 3: That Section V “District Regulations” Subjection B “Schedules of Regulations, Schedule I – Schedule of Permitted Uses (By Use Type)”, “Other Uses” is hereby amended by adding the following underlined language:

OTHER USES	R-1 thru R-7	B-1	B-2	B-3	B-4	B-5	ORI	M-1	MU-1
<u>Hotel, Extended Stay</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>Sⁿ</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>X</u>

ⁿ Hotel, motel, ~~or motor inn~~, or extended stay hotel is to be on a lot no less than five (5) acres in area.

SECTION 4: That Section V.B. Schedule I (Schedule of Permitted Uses-By District) is hereby amended by adding a certain term under the heading “B-2 Community Shopping” in alphabetical order to read as follows: “Hotel, Extended Stay” with a “S” to denote a Special Use.

SECTION 5: That Section V.B. Schedule I (Schedule of Permitted Uses-By District) is hereby amended by adding a certain term under the heading “ORI Office and Restricted Industrial” in alphabetical order to read as follows: “Hotel, Extended Stay” with a “S” to denote a Special Use.

SECTION 6: That Section V.B. Schedule I (Schedule of Permitted Uses-By District) is hereby amended by adding a certain term under the heading “M-1 General Manufacturing” in alphabetical order to read as follows: “Hotel, Extended Stay” with a “S” to denote a Special Use.

SECTION 7: That Section VIII “Off-Street Parking and Loading”, Subsection 10 “Number of Parking Spaces Required” table of required parking spaces is hereby amended by adding the following underlined language:

Uses	Minimum Required Off-Street Parking Spaces
Hotels, motels, inns, and <u>extended stay hotels</u>	One (1) space for each unit, and one (1) space for each employee, plus required parking spaces for bar, restaurant, or affiliated use.

SECTION 8: Any policy, resolution, or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 9: That this Ordinance shall be in full force and effect from and after its adoption and approval.

SECTION 10: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS ____ day of _____ 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____ 2022.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, NANCY M. O’CONNOR, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE APPROVING CERTAIN TEXT AMENDMENTS TO THE VILLAGE OF TINLEY PARK ZONING ORDINANCE DEFINING AND PERTAINING TO EXTENDED STAY HOTELS IN CERTAIN ZONING DISTRICTS,” which was adopted by the President and Board of Trustees of the Village of Tinley Park on _____, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this ____ day of _____ 2022.

NANCY M. O’CONNOR, VILLAGE CLERK

THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO TITLE XI: BUSINESS
REGULATIONS, CHAPTER 129A HOTEL ACCOMODATIONS TAX, SECTION 129.03
DEFINITIONS AS WELL AS AMENDING CHAPTER 116: TEMPORARY AND
PERMANENT RESIDENTIAL HOUSING LICENSES AND CERTIFICATES**

MICHAEL W. GLOTZ, PRESIDENT
NANCY M. O'CONNOR, VILLAGE CLERK

WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
DENNIS P. MAHONEY
MICHAEL G. MUELLER
COLLEN M. SULLIVAN
Board of Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Tinley Park

Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. _____

AN ORDINANCE APPROVING A TEXT AMENDMENT TO TITLE XI: BUSINESS REGULATIONS, CHAPTER 129A HOTEL ACCOMODATIONS TAX, SECTION 129.03 DEFINITIONS AS WELL AS AMENDING CHAPTER 116: TEMPORARY AND PERMANENT RESIDENTIAL HOUSING LICENSES AND CERTIFICATES

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Village of Tinley Park ("Village") desires to amend ("Amendments") That Title XI: Business Regulations Chapter 129A: Hotel Accommodations Tax, Section 129A.03: Definitions as well as Title XI: Business Regulations, Chapter 116: Hotels and Rooming Houses; and

WHEREAS, the Village desires to implement further regulations regarding hotels and extended stay establishments in order to promote the best interests of the residents of and the visitors to the Village of Tinley Park, including their health, safety, and welfare; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village of Tinley Park and its residents to approve said Amendments to the Tinley Park Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: That the report and findings and recommendations of the Plan Commission of this Village are herein incorporated by reference as the findings of this Board of Trustees, as completely, as if fully recited herein at length.

SECTION 2: That Title XI: Business Regulations Chapter 129A: Hotel Accommodations Tax, Section 129A.03: Definitions is hereby be amended by deleting the following strikethrough language and adding the following underlined language:

For purposes of this tax, the following definitions shall apply:

“GROSS RENTAL RECEIPTS.” The total amount of consideration for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, including, but not limited to, amounts charged for the making, servicing or facilitating reservations.

“HOTEL.” Any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses. Hotel means any public or private space or structure, including but not limited to, any inn, hostelry, tourist home, motel, bed and breakfast, lodging house or motel rooming house offering space for sleeping or overnight accommodations in exchange for rent. Hotel includes the parking lot and other common areas of the hotel. Hotel does not include living accommodations provided at any governmental or nonprofit institution in connection with the functions of that institution.

“EXTENDED STAY HOTEL” A Hotel containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), a cook-top/stove or microwave, and a dishwasher or sink, and a self-serve laundry facility is available for guests use.

“PERMANENT RESIDENT.” Any person who occupied or has the right to occupy any room or rooms in a hotel for at least ~~30~~ 28 consecutive days.

“PERSON.” Any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

“ROOM” or “ROOMS.” Any living quarters, sleeping or housekeeping accommodations.

SECTION 3: That Title XI: Business Regulations, Chapter 116: Hotels and Rooming Houses is hereby be amended by deleting the following strikethrough language and adding the following underlined language:

§ 116.01 LICENSE REQUIREMENTS; FEES.

(A) It shall be unlawful to conduct or operate a hotel or a building or part thereof used or held out to the public as a place where sleeping accommodations are furnished for 20 or more persons for a period of one day or more without first having obtained a license therefor. The fee for such a license shall be as provided in § 110.25 of this Code.

(B) It shall be unlawful to conduct or operate a rooming house or building, apartment, or portion of a building, in which any person or persons not related to the owner or occupant of the premises by blood or marriage are furnished sleeping accommodations for hire without first having obtained a license therefor. The annual license fee for the license shall be \$40.

(Ord. 84-0-050, passed 11-27-84; Am. Ord. 95-0-023, passed 5-22-95) Penalty, see § 116.99

§ 116.02 CONDITION OF PREMISES.

~~—(A)— All premises used for hotel or rooming house purposes shall be kept in a clean and sanitary condition, and all portions of the premises and hotels that are open for use by all guests or by the public shall be kept lighted at all times they are so open to use.~~

~~—(B)— All these premises shall be kept heated between October 1 and May 1 to a temperature of not less than 68°F. between the hours of 7:00 a.m. and 10:00 p.m. and to a temperature of not less than 55°F. at all other hours measured three feet from the floor and three feet from the outside wall.~~

~~(Ord. 84-0-050, passed 11-27-84; Am. Ord. 85-0-003, passed 1-29-85) Penalty, see § 116.99~~

§ 116.03 SANITARY FACILITIES.

~~—Water faucets and lavatories shall be available to all guests using any hotel or rooming house. These water faucets and lavatories must comply with all applicable codes and ordinances of the village.~~

~~(Ord. 84-0-050, passed 11-27-84; Am. Ord. 85-0-003, passed 1-29-85) Penalty, see § 116.99~~

§ 116.04 EXITS.

~~—(A)— No building shall be used for a hotel unless it is furnished with the number of exits and fire escapes required by the building ordinances of the village for the construction of a new hotel.~~

~~—(B)— No premises shall be used for a rooming house unless there are at least two exits to the outdoors from the premises.~~

~~—(C)— It shall be unlawful to block or permit the blocking of any exit from any premises used for a hotel or rooming house.~~

~~(Ord. 84-0-050, passed 11-27-84) Penalty, see § 116.99~~

§ 116.05 REGISTER OF GUESTS.

~~—(A)— It shall be unlawful to knowingly permit any fugitive from justice to stay in any rooming house or hotel.~~

~~—(B)— Each hotel proprietor shall keep or cause to be kept a register of guests as required by state law, and each operator of a rooming house shall keep a list of all persons staying therein.~~

~~—(C)— The register or list shall be available for inspection by any member of the Police Department at any time.~~

~~(Ord. 84-0-050, passed 11-27-84) Penalty, see § 116.99~~

§ 116.06 INSPECTION BY FIRE SERVICES ADMINISTRATOR.

~~—It shall be the duty of the Fire Services Administrator to inspect or cause to be inspected every hotel or rooming house operated in the village as frequently as may be necessary to ensure compliance with the provisions of this subchapter.~~

§ 116.02 DEFINITIONS

"EXTENDED STAY HOTEL" A Hotel containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), a cooktop/stove or microwave, and a dishwasher or sink, and a self-serve laundry facility is available for guests use.

"GUEST" means a person who exercises occupancy or is entitled to occupancy in a hotel by reason of concession, permit, right of access, license or other agreement.

"HOTEL" means any public or private space or structure, including but not limited to, any inn, hostelry, tourist home, motel, bed and breakfast, lodging house or motel rooming house offering space for sleeping or overnight accommodations in exchange for rent. Hotel includes the parking lot and other common areas of the hotel. Hotel does not include living accommodations provided at any governmental or nonprofit institution in connection with the functions of that institution.

"IDENTIFICATION DOCUMENT" means a document that contains the name, date of birth, description and picture of a person, issued by the federal government, the State of Illinois, another state, a county or municipal government subdivision or one of their agencies, including but not limited to: a motor vehicle operator's license, an identification card, or an identification card issued to a member of the Armed Forces. Identification document also includes a passport issued by a foreign government or a consular identification card, issued by a foreign government to any of its citizens and nationals, which has been approved by the village as valid identification.

"OCCUPANCY" means the use or possession, or the right to the use or possession, of any room in any hotel.

"OPERATOR" means the person who is either the proprietor of the hotel or any other person who has the right to rent rooms within the hotel, whether in the capacity of owner, manager, lessee, mortgagee in possession, licensee, employee or in any other capacity.

"RECORD" means written documentation of information about a guest. A record may be maintained electronically, in a book or on cards.

"RENT" means the consideration charged, whether or not received, for the occupancy of a room in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature.

"RESERVATION" means a request to hold a room for a potential guest that includes the following information and is documented in writing: (i) the potential guest's name and contact information; and (ii) the date and time when the contact was made.

"ROOM" means any portion of a hotel, which is designed, used or intended for occupancy by a person for temporary lodging or sleeping purposes.

"VEHICLE" is any car, truck, trailer, motorcycle, or other machinery used for transporting people or goods and is normally required to be registered with a state in order to be legally operated or towed on a public roadway.

"VISITOR" shall mean a person, who is not a guest, who is on the premises of a hotel, motel or extended-stay hotel at the invitation of a guest, but without the express permission of the owner, operator, keeper or proprietor of the hotel, motel or extended-stay hotel.

§ 116.03 - TRAINING OF EMPLOYEES.

The owner or proprietor of a hotel, motel or extended stay hotel shall take all reasonable steps, including but not limited to, providing training regarding this section to ensure that the person who checks a person into the hotel complies with the provisions of this section. A person who has not been trained shall not be assigned to check persons into the hotel.

§ 116.04 – ENTRY DOORS.

For any hotel, motel, or extended stay hotel permitted for construction after the date of adoption of this Ordinance, any public-facing entry points to the premises must require a magnetic or electronic keycard/locking device for access. Within one hundred eighty (180) days after the effective date of this Ordinance, all public facing entry point doors for any hotel, motel, or extended stay hotel shall have operating automatic closures, key entry and shall remain locked at all times between the hours of 9:00 p.m. and 6:00 a.m. Additionally, all entry point doors shall be equipped with an alarm or other device that will alert hotel, motel, or extended-stay hotel security, attendants, or other employees that the door has been opened or remains open. These requirements are not applicable to entry points that enter directly into the lobby of the hotel, motel, or extended stay hotel as long as the lobby is manned by a bona fide employee twenty-four (24) hours a day. These requirements are also not applicable to entry points that enter directly into a banquet hall, conference room, or other facility utilized for a special event or meeting hosted by a hotel, motel, or extended-stay hotel as long as there is a bona fide employee staffing the banquet hall, conference room, or other facility utilized for the duration of that event.

§ 116.05 – HOURLY RENTALS.

No owner, operator, keeper or proprietor of a hotel, motel, or extended-stay hotel shall provide lodging at an hourly rate.

§ 116.06 - RENTAL OF ROOMS TO PERSONS UNDER TWENTY-ONE.

It shall be unlawful for any hotel, motel or extended stay hotel to rent a room to any individual under the age of twenty-one (21).

Exception: A hotel, motel or extended stay hotel may rent a room to a person under the age of twenty-one (21) if said individual is part of a group, convention, corporate meeting, pageant or

other major contracted booking at the hotel, motel or extended stay hotel and a copy of the contract is on file at the hotel available for inspection by Village of Tinley Park representatives

§ 116.07 – HOUSEKEEPING SERVICES

All hotels, motels or extended-stay hotels shall provide housekeeping services, including but not limited to room cleaning, linen change and towel service a minimum of once every seven (7) days, and any time prior to a new guest checking in to a room.

§ 116.08 – MAXIMUM STAY LENGTH.

(A) No hotel, motel, extended-stay hotel located within the Village shall allow any person to occupy such facility for more than twenty-eight (28) consecutive days unless otherwise permitted in this section. No guest residing for more than twenty-eight (28) consecutive days shall begin a new rental agreement with the hotel, motel, or extended stay hotel without at least a two day vacancy between stays.

(B) No hotel, motel, or extended-stay hotel located within the Village shall allow any person to occupy such hotel, motel, or extended-stay hotel as his or her permanent residence, and/or to utilize the hotel, motel, or extended-stay hotel address as his or her mailing address.

(C) Notwithstanding subsections (A) and (B) of section 116.09, a stay in excess of twenty-eight (28) consecutive days, or utilizing the hotel, motel, or extended-stay hotel as a mailing address by a guest may occur in the following situations:

(1) Where there is a written contract or documented agreement between a hotel, motel, or extended-stay hotel and a business, corporation, firm or governmental agency to house employees or individuals on valid work orders;

(2) Where there is documentation, consistent with HIPPA privacy rules, that a hotel guest is considered family or is providing care for a patient who is admitted at local hospital;

(3) When an insurance company or federal, state or local agency has provided documentation that a hotel guest has been displaced from their home by a natural disaster or fire;

(4) Where there is a written contract or documented agreement between a hotel, motel, or extended-stay hotel and an organization to provide emergency or transitional housing/shelter.

(D) All hotels, motels, and extended-stay hotels are required to comply with all applicable provisions of this Code.

(E) All hotels, motels, and extended-stay hotels constructed after the effective date of this Ordinance, must provide a minimum of one thousand (1,000) square feet in common areas for recreational use by guests. In computing the one thousand (1,000) square feet requirement, swimming pools, fitness or recreation centers, patios, terraces, and other recreational facilities in

common areas may be used in determining the square footage required by this subsection. An extended-stay hotel is considered constructed only after a certificate of occupancy is issued.

§ 116.9 – RESPONSIBILITIES OF ALL HOTELS.

(A) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall, without delay, report violations of law to the Village of Tinley Park Police Department that were either witnessed or made known to them by an employee, guest, visitor or other person on the premises.

(B) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall, at all times, maintain a manager on duty or on-call capable of assisting, communicating, and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety.

(C) All information required to be procured and kept pursuant to this article shall be kept strictly confidential in accordance with state and federal law and shall not be provided to any person except to a federal or state law enforcement officer or to any officer empowered to enforce this article.

(D) All information required to be procured and kept pursuant to this article shall be provided to any federal or state law enforcement officers, or local sworn enforcement officer empowered to enforce this article, upon demand, and in no event later than twenty-four (24) hours of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant.

(E) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall keep a record of all rental agreements between the hotel, motel, or extended-stay hotel and all guests and their visitors, and make these records available to the Village within a reasonable time upon request. For the purposes of this section, the term "record" shall mean the hotel, motel, or extended-stay hotel's electronic guest registration system which stores guest identifying information. In the event the hotel, motel, or extended-stay hotel does not have an electronic guest registration system, the hotel, motel, or extended-stay hotel shall record the guest and any visitor's information in a paper record or reservation book. The following information, at a minimum, must be recorded at the time of registration and maintained for a period of no less than one year after the rental agreement's termination:

(1) The full name, phone number, and home address of each overnight guest. If the guest is a tourism company or other business, only the guest shall be required to provide this information, but the total number of people staying under that tourism company or other business shall be provided;

(2) The make, type and license number of the guest's vehicle if the vehicle will be parked on hotel, motel or extended stay hotel premises that are under the control of the operator or management;

(3) The day, month, year and time of arrival of each guest;

(4) The number or other identifying symbol of location of the room rented or assigned each guest; The date that each guest is scheduled to depart;

(5) The rate charged and amount collected for rental of the room assigned to each guest;

(6) The method of payment for the room;

(7) The full name of the person checking in the guest; and

(8) Documentation used to verify a stay in excess of twenty-eight (28) consecutive days as stated in section 116.09(B).

(F) Every owner, operator, keeper or proprietor of any hotel, motel, or extended-stay hotel shall require each guest to provide proper identification prior to renting a room when registering in person. Proper Identification Documents, as defined in this Chapter, shall be required. A record of the provided Identification Documents shall be kept on file for the duration of the occupancy and for one hundred eighty (180) days thereafter.

(G) No person shall procure or provide lodging in any hotel, motel, or extended-stay hotel, or any services therefrom, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging or service.

§ 116.10 – OCCUPANCY REQUIREMENTS.

(A) No operator, owner, keeper, or proprietor of any hotel, motel, or extended-stay hotel shall rent or provide a room for any number of persons greater than the sleeping accommodations provided within the particular rental unit or temporary sleeping accommodations provided by the hotel, motel, or extended-stay hotel.

(B) No operator, owner, keeper, or proprietor, guest, or visitor of any hotel, motel, or extended-stay hotel shall be allowed to congregate within any room or single rental unit a number of persons which is greater than two (2) times the number of persons for whom sleeping accommodations are provided within the single room or rental unit except when temporarily designated as a hospitality suite by the hotel, motel, or extended-stay hotel.

§ 116.11 – COMMON AREA AND PARKING ILLUMINATION REQUIREMENTS.

(A) The open parking area and all areas surrounding any building or proposed building being a hotel, motel, or extended-stay hotel shall comply with all requirements related to illumination levels set forth in the subdivision and land development section of this code, within one year of the effective date of this Ordinance

(B) Within one hundred eighty (180) days of the effective date of this Ordinance, any hotel, motel, or extended-stay hotel must provide and maintain security in its parking area. This shall include but not be limited to a live security guard or other security measures to meet the minimum security standards required by this code section, such as complete video surveillance. All hotels, motels, or extended-stay hotels must maintain a security plan which shall include all implemented security measures. Security plans and documentation for approved alternative security measures shall be kept on file and made available to the Village within a reasonable time upon request.

§ 116.12 – VIDEO SURVEILLANCE.

(A) For the purpose of this section, "video surveillance system" (VSS) means a continuous digital surveillance system including cameras, cabling, monitors, and digital video recorders (DVR).

(B) Every owner, operator, keeper or proprietor of any new or existing hotel, motel, or extended-stay hotel is required to install a VSS within one hundred eighty (180) days of the effective date of this Ordinance. All hotels, motels, and extended-stay hotels, which have installed a VSS prior to the effective date of this article, shall ensure said systems are in full compliance with this section.

(C) All VSS shall be maintained in proper working order at all times, be kept in continuous operation twenty-four (24) hours a day, seven (7) days a week, and meet the minimum technological standards established in this section. The hotel, motel, or extended-stay hotel shall retain the continuous digital images recorded by this system for no less than twenty-one (21) days.

(D) All VSS shall have no less than one (1) camera dedicated to each register or checkout stand, entrance/exit, interior hallways and lobby, swimming pool area, exercise facility, loading dock, and parking lots or areas designated for customer and/or employee parking use. And, upon approval by management, will issue an approval notice which will be placed in plain view inside the common area of the hotel, motel, or extended-stay hotel. This approval notice will also inform customers and employees of the presence of the VSS. Existing VSS at any hotel, motel, or extended-stay hotel as of the effective date of this article will be evaluated to ensure full compliance with this section.

(E) Any new standards or changes to existing standards will be issued in conjunction with annual business license renewal notices and become effective on May 1 of each year.

§ 116.13—LOITERING AND JUVENILE CURFEW.

(A) All hotel, motel, or extended-stay hotel operators will advise guests verbally, upon registration, and through posted signage that loitering is prohibited.

(B) No person(s) shall loiter in or upon any hotel, motel, or extended-stay hotel parking lot, public parking structure or in or around any building to include breezeways, stairwells or hotel, motel, or extended-stay hotel rooms either on foot or in or upon any conveyance being driven or parked thereon, without the permission of the owner, operator, keeper or proprietor or the hotel, motel, or extended-stay hotel.

§ 116.14—UNLAWFUL OPERATION DECLARED NUISANCE.

Any hotel, motel, or extended-stay hotel operated, conducted or maintained contrary to the provisions of this article may be declared to be unlawful and a public nuisance. The Village of Tinley Park may, in addition, or in lieu of all other remedies, commence actions or proceedings for abatement, removal or injunction thereof, in the manner provided by state law and this Code.

SECTION 4: Any policy, resolution, or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 5: That this Ordinance shall be in full force and effect from and after its adoption and approval.

SECTION 6: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS ----- day of ----- 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS ----- day of ----- 2022.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, NANCY M. O’CONNOR, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. ____, “AN ORDINANCE APPROVING A TEXT AMENDMENT TO TITLE XI: BUSINESS REGULATIONS, CHAPTER 129A HOTEL ACCOMODATIONS TAX, SECTION 129.03 DEFINITIONS AS WELL AS AMENDING CHAPTER 116: TEMPORARY AND PERMANENT RESIDENTIAL HOUSING LICENSES AND CERTIFICATES,” which was adopted by the President and Board of Trustees of the Village of Tinley Park on ____, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this ____ day of ____, 2022.

NANCY M. O’CONNOR, VILLAGE CLERK