

ORDINANCE NO. A-834-12-23

AN ORDINANCE AMENDING SECTION IV OF THE ZONING ORDINANCE TO
AMEND THE REGULATIONS FOR SWIMMING POOL FENCES

(Z-06-2023: Text Amendment - SWIMMING POOL FENCES)

WHEREAS, an application for a text amendment to the Village of Burr Ridge Zoning Ordinance has been filed with the Community Development Director of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held four public hearings on the question of granting said text amendment on May 1, June 5, June 19, and August 7, 2023 at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

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

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for a text amendment to the Burr Ridge Zoning Ordinance, including its findings and recommendations, to

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

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

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

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

- A. That the recommendation is to amend Sections IV.I and IV.J, the regulations for swimming pool fences, as attached hereto as Exhibit A. These regulations detail the requirement for a fence surrounding an outdoor swimming pool.
- B. That the amendments described are consistent with the purpose and intent of the Zoning Ordinance.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as

required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

PASSED this 25th day of September, 2023, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 6 - Trustees Schiappa, Paveza, Snyder, Mital, Smith, Franzese

NAYS: 0 - None

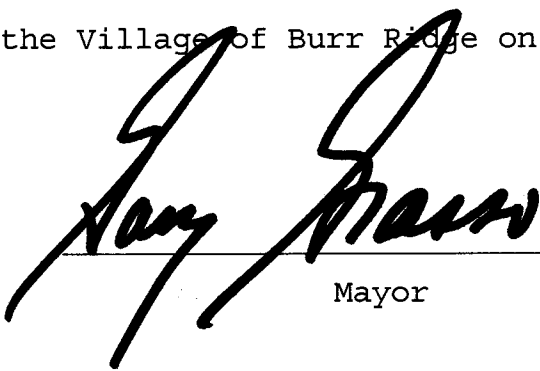
ABSENT: 0 - None

APPROVED by the Mayor of the Village of Burr Ridge on this 25TH day of September, 2023.

ATTEST:



Village Clerk



Mayor

STATE OF ILLINOIS)
COUNTY OF C O O K) SS.
COUNTY OF DU PAGE)

CLERK'S CERTIFICATE

I, Sue Schaus, the duly elected, qualified, and acting Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of that Ordinance now on file in my office, entitled:

ORDINANCE NO. A-834-12-23

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which Ordinance was passed by the Board of Trustees of the Village of Burr Ridge at a regular meeting held on the 25th day of September, 2023 which meeting a quorum was present, and approved by the Mayor of the Village of Burr Ridge on the 25th day of September, 2023.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Burr Ridge was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Burr Ridge, and that the result of said vote was as follows, to-wit:


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

NAYS: 0 - None

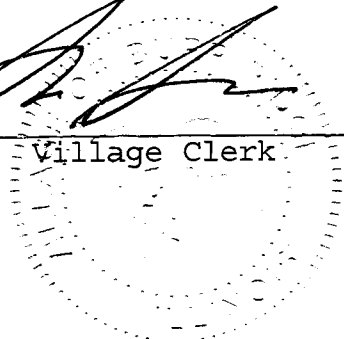
ABSENT: 0 - None

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Burr Ridge, this 25th day of September, 2023.



Village Clerk



PAMPHLET

FRONT OF PAMPHLET

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PAMPHLET

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EXHIBIT A - ZONING ORDINANCE, SECTION IV: (highlighted and in italics)

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

33. Swimming Pools (Private)

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

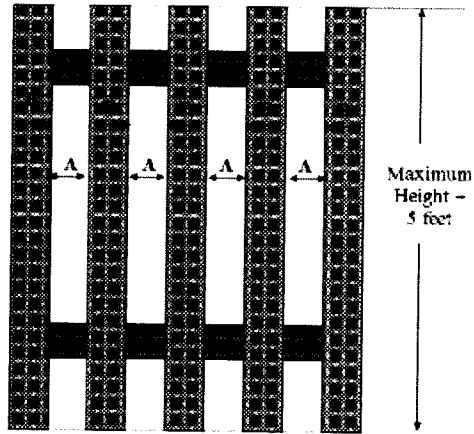
J. FENCES

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

1. Fences, Open -- in residence districts only

1. Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
2. Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)
3. All fence posts and all supports must face the interior of the property on which it is located.
4. Chain link, solid, barbed wire and fences which are electrically charged to produce a shock when touched are specifically prohibited.
5. All fences in residential districts shall be open fences as defined by Section XIV and as depicted below (Amended by Ordinances A-834-09-01 and A-834-13-11). Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.

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



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

2. Fences -- in non-residence districts

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

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

4. The special use shall, in other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission or, if applicable, the Zoning Board of Appeals.
3. The location, height, design, and type of fence shall comply with the standards for residential fences contained in Section IV.J.1 above, except as may be specifically authorized by conditions for approval of the special use.
3. Fences for Swimming Pools
An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, shall be surrounded by a permanent fence, wall, building wall, or combination thereof that completely surrounds and obstructs the access to the swimming pool. The fence shall also comply with Building Ordinance regulations including but not limited to height, openings, and access gates. A hot tub or spa does not require a fence but must adhere to Building Code barrier regulations including but not limited to requiring a safety cover which complies with ASTM F1346.