



AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION

May 4, 2023 – 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 April 6, 2023 Regular Meeting

**ITEM #1 PUBLIC HEARING – FENCE REGULATIONS –
ZONING ORDINANCE TEXT AMENDMENT**

Consider recommending that the Village Board adopt a proposed text amendment to the Tinley Park Zoning Ordinance amending Section III.J. (Fence Regulations).

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

April 6, 2023

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 April 6, 2023.

CALL TO ORDER –CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for April 6, 2023 at 7:00 p.m.

Lori Kosmatka, Associate Planner called the roll.

Present and responding to roll call were the following:

Acting Chair Ken Shaw
James Gaskill
Angela Gatto
Terry Hamilton
Eduardo Mani
Andrae Marak
Steve Sepessy

Absent Plan Commissioners:

Chairman Garrett Gray
Kurt Truxal

Village Officials and Staff:

Pat Carr, Village Manager
Dan Ritter, Community Development Director
Lori Kosmatka, Associate Planner
Michael O. Whalen, Associate Planner

Petitioners:

Anthony DeAngelis, Intercontinental Real Estate & Development Corporation

Members of the Public:

Andy Macleod, Umbrella Assoc. President, 52 Aegina Ct.
Linnae Bryant, Umbrella Assoc. Member, 91 Iliad Dr.
Alma Fulton, 80 Odyssey Dr.

COMMUNICATIONS – Lori Kosmatka noted CHAIRMAN GRAY was absent. COMMISSIONER SHAW served at Acting Chair.

APPROVAL OF THE MINUTES - Minutes of the March 16, 2023, Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER SEPESSY, seconded by COMMISSIONER GASKILL to approve the March 16, 2023, minutes as presented. ACTING CHAIR SHAW asked for a voice vote; 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 APRIL 6, 2023 REGULAR MEETING

**ITEM #1: PUBLIC HEARING – ODYSSEY CLUB TOWNHOMES MODEL CHANGE
– SPECIAL USE FOR PUD SUBSTANTIAL DEVIATION AND SITE
PLAN/ARCHITECTURAL APPROVAL**

Consider recommending that the Village Board grant Anthony DeAngelis on behalf of Inter-Continental Real Estate & Development a Special Use for a Substantial Deviation to the Odyssey Club Planned Unit Development at Olympus Drive & Apollo Court in the R-5 PD (Low Density Residential, Odyssey Club PUD) zoning district.

Present and responding to roll call were the following:

Acting Chair Ken Shaw
James Gaskill
Angela Gatto
Terry Hamilton
Eduardo Mani
Andrae Marak
Steve Sepessy

Absent Plan Commissioners:

Chairman Garrett Gray
Kurt Truxal

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Pat Carr, Village Manager
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Andy Macleod, Umbrella Assoc. President, 52 Aegina Ct.
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Acting Chair Shaw introduced Item #1.

Dan Ritter, Community Development Director, opened by saying the agenda item had previously been approved by the Plan Commission. He said that the Village Board continued the item while some open items were sorted and then the Board remanded it back to the Plan Commission until all open items were addressed. He reminded the Commission and members of the public that the design items for the project had already been discussed at a previous Commission meeting. He said the

item was before the Commission again to consider an issue with the homeowners' associations.

Lori Kosmatka, Associate Planner, presented the staff report. She noted that the Plan Commission previously recommended approval for the item at the November 17, 2022 meeting, and that the item was first on the December 6, 2022 Village Board agenda.

Dan Ritter interjected by saying the open item was whether or not the project would have its own homeowners' association and whether the project would be required to join the umbrella homeowners' association. He added that the project was originally proposed to join an existing sub-association and join the umbrella association. He said changes to the covenants are a substantial deviation to the PUD. He added that Staff reviewed the proposed covenants to make sure current residents were protected as well as future residents. He said the underlying association issue was resolved easily and with Village attorney agreement. He said the solution was to create a dormant sub-association that would be activated once the developer sold a unit. He said the outstanding item is related to the project joining the umbrella association. He said the Petitioner's attorneys and the umbrella association's attorneys were working on a cost-sharing agreement. He said the umbrella association's attorneys have the draft agreement. He said the PUD is conditioned to require both parties' approval of the cost sharing agreement and that the finalized covenants need to be recorded prior to occupancy. He said the anticipated timeline was over a year. He said Staff is willing to work with both parties to resolve any other issues. He said the umbrella association's attorney thought the resolution of the issue was heading in the right direction.

Lori Kosmatka resumed the staff report presentation.

Acting Chair Shaw invited the Petitioner to speak.

The Petitioner, Anthony DeAngelis, was sworn in.

Mr. DeAngelis opened by saying that Dan Ritter's comments encapsulated the issue with the project. He said the developer has been cooperative with Staff and the Village Attorney. He said his office sent a letter with proposed conditions relating to the cost sharing agreement and the recording of the covenant's conditions and restrictions. He said his attorneys and the umbrella association's attorneys have been working to resolve the issue since January, but he's concerned the issue might be resolved much later. He said his attorneys are awaiting cost information from the umbrella association. He read the letter, which said the Petitioner will work with the umbrella association, however the Petitioner will not accept a PUD condition requiring the agreement between the Petitioner and the association. He said there are financial obligations with the project and that he did not want to risk the fate of the project based on the cost sharing agreement. He said, with the proposed condition, construction could be complete, and a certificate of occupancy couldn't be issued until the cost sharing agreement was resolved. He said that if his lender saw the condition, they likely would not provide financing for the project until the agreement is in place. He said the association has not been responsive.

Dan Ritter said he spoke to the association's attorney, and they did not have major concerns. He said the issue with the current approval is that the Petitioner is proposing to eliminate the condition that the cost sharing agreement must be finalized prior to the issuance of any certificates of

occupancy. Staff and the Village Attorney agree that the condition must remain in place because otherwise there would be no obligation for the developer to complete the agreement. He said it may take more time and he does not believe the association is intentionally holding up the project. He said if, in six months, there's still no resolution, that the Village will get involved in trying to get both parties to reach an agreement. He said the purpose of the condition is to allow the project to proceed while the cost sharing agreement is finalized.

Mr. DeAngelis said he would be more comfortable with the condition if, in his opinion, the association was more responsive.

Dan Ritter said the solution proposed should be agreeable to both parties. He said that the project's history is causing the need for the condition. He said the condition is necessary.

Pat Carr, Village Manager, asked if it this would prevent them from getting the building permits.

Dan Ritter responded no. It would just be upon occupancy. The Village is reviewing the permits. He noted to Mr. DeAngelis that the Village has had cooperation with the association attorney as indicated in previous phone calls.

Acting Chair Shaw acknowledged that there are members of the public that appear to wish to speak. He explained that the public hearing process involves discussions including questions by Commissioners, after which will then be open for the public to speak. Members of the public will need to be sworn in and fill out the sign in sheet.

Pat Carr, Village Manager, noted we have been working with the applicant for over a year to have them get contact with the HOA. There has been a slowdown by the HOA on getting costs. It should not hold up the developer. The Village would like to see the project get moving. Village attorneys have also been engaged in this project.

Commissioner Marak provided opinion that if it's not resolved, then it's not worth taking under consideration.

Acting Chair Shaw noted that when the public hearing is completed, the Commission can decide whether or not to continue the public hearing. He asked Commissioner Marak if he had any questions.

Acting Chair Shaw asked Commissioner Sepessy if he had any questions on the plans as he recognized he was not on the Commission when the request first came to Plan Commission.

Commissioner Sepessy responded no.

Commissioner Gaskill asked if the occupancy of the units depends on the cost share agreement and if so if there was any writing agreeing to it.

Dan Ritter responded yes, and that there is an example. The Petitioner has agreed to do it, but it hasn't been resolved between the Petitioner and the umbrella association. The condition can make

sure that still happens.

Commissioners Hamilton and Mani had no questions.

Commissioner Gatto commented that there were a lot of homeowners that were against this development originally. She hoped that their opinion of what is being developed is not holding up the agreement so that the developer cannot develop this land.

Dan Ritter commented that staff's knowledge of this even being an issue came up as a part of the public hearing, since November or December. That has only been about three or four months and these things take time given holidays. We have another year essentially to resolve this before there would be an issue. He felt that in the next six months we should have a good idea whether this is a bigger issue or not. Everybody believes this is the right solution going forward. Maybe something works out where the Village could accept some money to pay the association, but the solution with the cost sharing agreement is the right option. The Petitioners proposed it and our attorneys agreed.

Acting Chair Shaw had a couple questions. He asked if under the current PUD, if they built it out as previously approved there would be a sub association that would be required to be part of the umbrella.

Dan Ritter responded that they previously proposed it would join a sub association and that was already a part of the umbrella, joining the existing sub association and the umbrella association. They were rejected from the sub association. If they were in those associations then, it probably would have already been resolved. That is why this is needed.

Acting Chair Shaw asked if forming an independent sub association was not an option.

Dan Ritter responded that they could but it is one owner proposing to own it all. They'll have a sub association ready to go if they sell any of the lots.

Acting Chair Shaw asked if the Village has been in touch with the umbrella association's attorney, but that the umbrella association's attorney has been nonresponsive to the Petitioner.

Mr. DeAngelis responded that all attorneys have been talking. We are just anxious to get this resolved without conditions. We don't know the inner workings of why it hasn't been resolved yet.

Dan Ritter responded that their attorney explained it during a phone call. They explained the holdups. They had an election during this and had two new members getting on-board.

Acting Chair Shaw noted the developer seems to have put forward a good faith proposal. He echoed Commissioner Gatto's concern for the developer being held up. He did not want to ascribe any motivations to the umbrella association, but it seems if we put the condition on this, the developer then holds all the responsibility and would effectively be a pocket veto. There seems to be no incentive for the umbrella association to come to the table.

Commissioner Marak noted he assumed that the developer agreed to the conditions prior to the meeting. He noted they appear to be rejected by the Petitioner. He clarified he wasn't making a formal Motion.

Dan Ritter responded that those are staff-recommended conditions. That was sent to the Petitioner, but we didn't hear anything until yesterday. Even if a Petitioner doesn't agree, you can still attach a condition. If this wasn't done, then it may lead to bigger issues for the developer, association, and Village. Despite the easements, it's private roads and gate house by the association. The condition is a good catch to make sure it's resolved.

Acting Chair Shaw noted that before going to public comment, the Commission is a recommending body. Ultimately it's the Village Board decision. The Village Board could still remove or accept a condition. If we continue this meeting, it may just drag.

Commissioner Gaskill asked if the Petitioner doesn't agree to the condition, then why send the condition to the Trustees.

Dan Ritter responded technically the Commission can attach a condition and vote on what you like. If a Petitioner says they don't want it, then usually he recommends to remove it and vote based on that. That changes our opinion on this though. The covenants are specifically part of the Substantial Deviation, so any changes to those are. If removing the previous covenants with just a promise to work things out, then the Village has nothing to hold them to it. If they're not agreeing to it, then he recommends to take it off and vote based on that.

Acting Chair Shaw noted the lender for Mr. DeAngelis may object to such an open ended condition that may potentially delay build-out. This may affect the development's financing. He asked Mr. DeAngelis if that was understood correctly.

Mr. DeAngelis responded yes.

Acting Chair Shaw swore in everyone from the public who wished to speak, and noted they would also have to sign in.

Andy Macleod, the President of the umbrella association spoke. The association has been working to resolve this, having met with their attorney four times and getting decisions on a couple things. The cost sharing agreement is problematic from a covenant standpoint because it is asking the association to do the maintenance that Greenview or Fairway would be doing. We don't do that as an umbrella association. Also, he understands that Fairway rejected your request to become part of them, but Fairway wasn't the only townhome association in Odyssey. He asked Mr. DeAngelis if they made a request to Greenview to do the same.

Mr. DeAngelis responded no. Only the one association was applicable because of the model appearances.

Andy Macleod commented that the proposal looks quite different from models in both Fairway and Greenview. We are trying to work through the drafted agreement received. This is the first time

he is hearing of an underlying association that would be created that would be dormant. He has no idea how that would affect the umbrella association, the estate homes association, the Greenview association, or the Fairway association. A solution needs to be fair and equitable to all.

Linnae Bryant stated she is also with the umbrella association. Homeowners have a very large investment in this as well given their home values. They are working with an attorney. She is an attorney as well and trying to assist. The cost sharing agreement only addressed the gate. Other items not addressed include the ponds, irrigation, landscaping, etc. Current homeowners pay \$100 quarterly for those benefits and services. This should be applicable to all other units whether they are rented or not. Also, the agreement said the umbrella association would handle garbage disposal and landscaping, which the umbrella does not handle. Underlying associations handle that. The umbrella association wonders how those will be handled. There will be increased volume now in the development. We are diligently trying to get through this.

Acting Chair Shaw asked if there were anymore comments from the public. There were none.

Commissioner Sepessy asked if residents in the Odyssey pay to more than one association.

Andy Macleod responded every resident has two obligations for association dues. We are not a master slave structure which is normal for HOAs. We are three independent associations that appoints the umbrella board. They are separate entities on themselves.

Acting Chair Shaw asked if the sub-associations do not pay the umbrella, but it is individual.

Dan Ritter noted the dormant sub-association would be outside of the umbrella. That would stand alone. To address them not being under the umbrella is why we are addressing this cost sharing agreement. The roads, ponds, landscaping, etc. is still covered. The underlying association would not be under the umbrella and would not be connected to the other three, but all the current residents have the sub-association and the umbrella association that they're attached to.

Alma Fulton, a member of one of the associations, asked why are these homes being allowed to be built without being part of the umbrella association. They should be part of the umbrella.

Dan Ritter responded there's nothing requiring them to be part of the umbrella association. Outside of the PUD they previously proposed that had that, there's nothing stating they have to join, but it seems everyone is in agreement that there's some obligations here for cost, thus the cost-sharing agreement.

Acting Chair Shaw asked without the Substantial Deviation requirement is there a requirement there be an association.

Dan Ritter responded that was their last proposal, so yes, the PUD holds them. We're in a position to have to approve some other option. They were denied from a sub-association, and can't join the umbrella, so this is their alternative proposal. They could agree later to join the umbrella.

Acting Chair Shaw asked if it is that the developer does not want to join the umbrella, or if the umbrella doesn't want this development to be part of it.

Linnae Bryant (in the audience) stated we wanted them be to be part of it to pay the same \$100/quarter to help share costs.

Alma Fulton, asked if they formed their own HOA as Golfview HOA then that would solve the issues. Joining one of the existing ones would have been too much work as the current homes are much older. Also the proposal is rentals.

Dan Ritter noted the previous proposal would have been that they join one of the existing ones. There's nothing related to rentals and ownership that can be addressed as part of this request.

Acting Chair Shaw recognized there may be a concern due to the difference in age of the homes.

Dan Ritter noted they wouldn't have a sub-association here, meaning it would be dormant unless one sells, so that wouldn't fit under the umbrella situation, so this is why the cost-sharing is an agreement. He believes the Petitioner is waiting on the list of costs. He would think it's reasonable that if \$100 covers all the common area costs would be tied in the cost sharing agreement. It isn't joining the association but it's an end-around way because they're not going to have a sub-association active there with just one ownership.

Alma Fulton, asked about the other covenants that the umbrella covers.

Linnae Bryant (in the audience) said right now they are mainly concerned with the umbrella association costs. However they handle trash collection and landscaping would be on that Phase.

Mr. DeAngelis responded we have not gotten any additional information for us to work it out.

Dan Ritter reiterated he believes both attorneys have agreed on the route. It appears that the items and costs being discussed haven't gotten back to the Petitioner.

A member of the audience asked if the new units were all rentals.

Mr. DeAngelis responded that they are currently intended to be rentals.

Acting Chair Shaw clarified that we are not permitted to consider the issue of private ownership versus rental as part of the approval process.

Dan Ritter confirmed there's no legal authority to regulate rentals versus ownership in the approvals.

Acting Chair Shaw asked the Petitioner if they are not in favor if the condition is recommended to Village Board.

Mr. DeAngelis responded no, that they will work diligently to get this resolved. We just cannot have that as a pre-condition of our approval or permit. We are not trying to avoid doing agreements.

Dan Ritter clarified it's not a pre-condition of the approval or the permit. It is a pre-condition to occupancy. If there is an issue we are open to re-evaluating it. The Village's concern is that there's nothing holding it to get done. The Village is open to other options.

Acting Chair Shaw noted it doesn't appear there is a viable recommendation for the Plan Commission to make because as proposed it's not acceptable to the Petitioner. If we strip that condition, then it leaves open too many other problems.

Dan Ritter reiterated that it is staff's recommendation that the conditions remain. Without it, staff would ask it be continued as we don't know what other options there are, such as alternative wording which can be brought to Village Board. He noted the Commission can vote.

Mr. DeAngelis said to go ahead and approve it that way. Maybe something can be resolved by the time it goes to Village Board.

Acting Chair Shaw noted that the preference is not to continue the public hearing. There is a short window to work this out. Even though it's clear the condition is not acceptable, ultimately it's the Board's decision.

Mr. DeAngelis agreed this was fair.

Commissioner Hamilton asked if the Board passes the conditions that the developers can still say they don't agree.

Acting Chair Shaw believed that the objective is that the parties can work this out and not stop the project.

Dan Ritter noted that the Petitioner may be more comfortable if they received a response of the association concerns being heard now. If you vote with the condition, the Board could consider changes.

Acting Chair Shaw noted his concern for the occupancy condition is it may hurt their ability to get started, and if a deal isn't worked out. If all parties are willing to move forward to the Board to work it out, the Board can always continue it if needed.

Dan Ritter noted that happened last time. The Board can also adjust the conditions. Our attorney can review alternative wording ahead of time. There could possibly be staff flexibility for temporary COOs. We leave it up to the Petitioner to propose alternative solutions.

A member of the audience asked if there were any discussions with the developer and associations.

Mr. DeAngelis responded there was correspondence in 2020 which he was not part of. This involved discussions on adding to the Fairway and umbrella. No formal agreement was made. Since the products changed, the Fairway association would not have been the right fit. We would have had to create our own anyways. The new ranch townhomes are a different model than the original ones in 2008. We have another association Golfview Townhome Association that will be attached to the amendment. If we decide to sell one unit, that has to be recorded and there will be another association governing.

Acting Chair Shaw noted it sounds like there is a path forward. He entertained a motion to close the public hearing. Motion to close the public hearing by Commissioner Gatto, seconded by Commissioner Gaskill. All were in favor.

Dan Ritter noted the standards are the same as last time and are published as part of the packet. He also noted the Commission can reference the conditions of the motion as noted in the staff report and on the screen instead of reading each one.

Acting Chair Shaw entertained a motion for this item.

Commissioner Gaskill made a motion to table the item until the issue is resolved so it does not waste the Board's time. Seconded by Commissioner Marak. Roll call vote; motion failed (2-5).

COMMISSIONER GASKILL: Aye
COMMISSIONER GATTO: Nay
COMMISSIONER HAMILTON: Nay
COMMISSIONER MANI: Nay
COMMISSIONER MARAK: Aye
COMMISSIONER SEPESSY: Nay
ACTING CHAIR SHAW: Nay

There were two motions for this item.

Motion 1 – Special Use Permit for Substantial Deviation

Commissioner Gatto made a motion to recommend that the Village Board grant a Special Use Permit for a Substantial Deviation from the Odyssey Club Planned Unit Development to the Petitioner Anthony DeAngelis on behalf of Inter-Continental Real Estate & Development to permit a second model type to be constructed for single story ranch townhomes at Olympus Drive & Apollo Court (Odyssey Club Phase 7) in the R-5 PD (Low Density Residential, Odyssey Club PUD) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed in the April 6, 2023 Staff Report, subject to conditions as referenced in the motion.

1. *Approval is subject to final engineering plan review and approval.*
2. *Either model type (single-story or two-story) to be constructed on Phase 7 of the PUD.*
3. *Prior to occupancy of any new units in Phase 7, a cost-sharing agreement must be established with review and approval by the Village Attorney and recorded with the County by the Petitioner.*

4. *Prior to occupancy of any new units in Phase 7, a document (Declaration of Conditional Sales Restriction) must be established with review and approval by the Village Attorney and recorded with the County by the Petitioner that states if any lots are sold separately, then specific attached covenants will be triggered.*

Seconded by Commissioner Hamilton. Roll call vote; motion carried (5-2).

COMMISSIONER GASKILL: Nay
COMMISSIONER GATTO: Aye
COMMISSIONER HAMILTON: Aye
COMMISSIONER MANI: Aye
COMMISSIONER MARAK: Nay
COMMISSIONER SEPESSY: Aye
ACTING CHAIR SHAW: Aye

Dan Ritter asked, for clarification to the Board, if the reason for the no votes was for preference to get this worked out before the Board considers it, and that it's not an outright no to the proposal.

The Commissioners agreed. Commissioner Marak noted he voted in favor of this item the first time.

Commissioner Hamilton made a motion to grant the Petitioner Anthony DeAngelis on behalf of Inter-Continental Real Estate & Development Site Plan / Architectural Approval for single story ranch townhomes at Olympus Drive & Apollo Court (Odyssey Club Phase 7) in the R-5 PD (Low Density Residential, Odyssey Club PUD) zoning district, in accordance with the plans submitted and listed in the April 6, 2023 Staff Report, subject to the three conditions included there.

1. *Site Plan/Architectural Approval is subject to approval of the Special Use for a Substantial Deviation to the PUD by the Village Board.*
2. *Site Plan/Architectural Approval is subject to Engineering and Building Department permit review and approval of final plans including any grading or drainage changes.*
3. *Physical material samples shall be provided during the permit process for staff review and approval. Final color and materials shall be subject to review and approval by Village staff prior to issuance of a building permit.*

Seconded by Commissioner Gatto. Roll call vote; motion carried (6-1).

COMMISSIONER GASKILL: Nay
COMMISSIONER GATTO: Aye
COMMISSIONER HAMILTON: Aye
COMMISSIONER MANI: Aye
COMMISSIONER MARAK: Aye
COMMISSIONER SEPESSY: Aye
ACTING CHAIR SHAW: Aye

Dan Ritter noted this will go to Village Board as a First Reading, since there was a no vote, on April 18th.

Acting Chair Shaw noted that the approval from Village Board would be at a subsequent Board meeting following the First Reading.

Dan Ritter noted if the matter is resolved that the Board still has the option to waive the First Reading to expedite it.

Receive Comments from the Public

There were no comments from the public.

Good of the Order

Lori Kosmatka, Associate Planner, provided status on the following projects:

- DR Horton Oak Ridge Subdivision (at Ridgeland and Oak Forest Avenue) is in the permitting process for the first townhome. Single family home permit applications are anticipated to come in the next few months.
- Brady Gill Funeral Home Addition is in the permitting process.
- Magnuson's first permit was issued. They will start with the clubhouse and then with the residential buildings, north to south. Dan Ritter, Community Development Director, noted the trailers are out there and they are working, with their goal of 18 months. Everything is ordered, financed, and moving.
- Banging Gavel is anticipated to open this summer, hopefully by July, with the patio to open first.
- Ascend cannabis was issued a temporary certificate of occupancy. Some items such as the canopy are not installed yet, but they are coming shortly. They are anticipating a soft opening 4/17 and full opening 4/20.
- Loyola is further preparing their space. They expect to be open to patients on August 1st.

Michael Whalen, Associate Planner, recapped the previous discussion on proposed changes to fence regulations. The Plan Commission provided positive feedback on the fences being both open and closed (privacy) style, with a six foot height maximum to be located ten feet in from the property line in secondary front yards. Chain link fences would be prohibited. This item will come to the Plan Commission at the first meeting in May.

Dan Ritter, Community Development Director, noted

- The proposal to slightly loosen the fence regulations will help avoid some of the variances. He confirmed this would likely be the first meeting in May.
- The April 20th meeting will likely be cancelled due to lack of agenda items. More items are expected to come to the Plan Commission this Spring and Summer.

ACTING CHAIR SHAW requested a motion to adjourn the meeting.

COMMISSIONER GASKILL made a motion to adjourn the Meeting. Second by COMMISSIONER GATTO. ACTING CHAIR SHAW requested a voice vote. Hearing no opposition, he declared the Meeting Adjourned. Meeting was adjourned at 8:19 p.m.

PLAN COMMISSION STAFF REPORT

May 4, 2023 – Public Hearing

Zoning Text Amendment – Fence Regulations

Petitioner

Village of Tinley Park

Zoning Code Sections

Section III.J, Fence
Regulations

Approvals Sought

Text Amendment

Project Manager

Michael O. Whalen, AICP
Associate Planner



EXECUTIVE SUMMARY

The purpose of this proposed amendment is to modify Section III.J, Fence Regulations of the Zoning Ordinance to allow additional fence encroachment into secondary front yards.

The Tinley Park Zoning Ordinance regulates fences for residential and non-residential development. In 2022, the Community Development Department processed seven residential fence variation applications, typically to adjust fenced-in areas for backyards on corner lots. These applications cost the Village staff time and cost residents time and money to go through the variation process. Staff also frequently discuss secondary front yard fences with the public, many of whom are frustrated with the current regulations. The Plan Commission, over the last couple of years, directed staff to consider potential changes to allow additional flexibility while still maintaining aesthetics and safety.

Relating to residential corner lot fences, the Village currently allows residents to place a fence at the setback line of secondary front yard. An existing administrative approval provision is available to allow additional encroachment of up to ten feet into secondary front yards so long as fences do not project beyond the abutting neighbors' required primary front yards. This regulation is designed to create some uniformity and reduce the visual impact of fences. As with all parts of the Zoning Ordinance, the fence regulations apply equally to all properties. Non-conforming fences must be brought into compliance during replacement.

The purpose of this Public Hearing is to discuss recommending that the Village Board modify the Zoning Ordinance, Sec. III.J, Fence Regulations. The Village Board last amended this Code section in 2019, to adjust provisions relating to corner lot fences. This report contains an overview of existing provisions and the information presented to the Plan Commission and Zoning Board of Appeals in 2017. The goal of the proposed amendment is to reduce the number of fence variation applications the Village receives each year while still controlling the aesthetics concerns of fenced-in yards.

HISTORY

The Village adopted a building code in 1964 (Ord. No. 64-O-037) and amended it several times. Prior to 1974, the Village's Building Code had regulations pertaining to fences. Section 317 of this Code regulated fence materials, open and solid fences, and fence heights, and prohibited fences in required front yards. In 1976, the Building Code was amended (Ord. No. 76-O-041) to expressly prohibit fences outside required setbacks except where yards do not abut rights-of-way (rear and side yards for interior lots). This amendment also added that the finished side of fences must face adjacent properties and prohibited barbed wire. In 1978, a major amendment to the Zoning Ordinance occurred. While this Ordinance is missing, it is likely that this ordinance relocated fence regulations from the Building Code to the Zoning Ordinance.

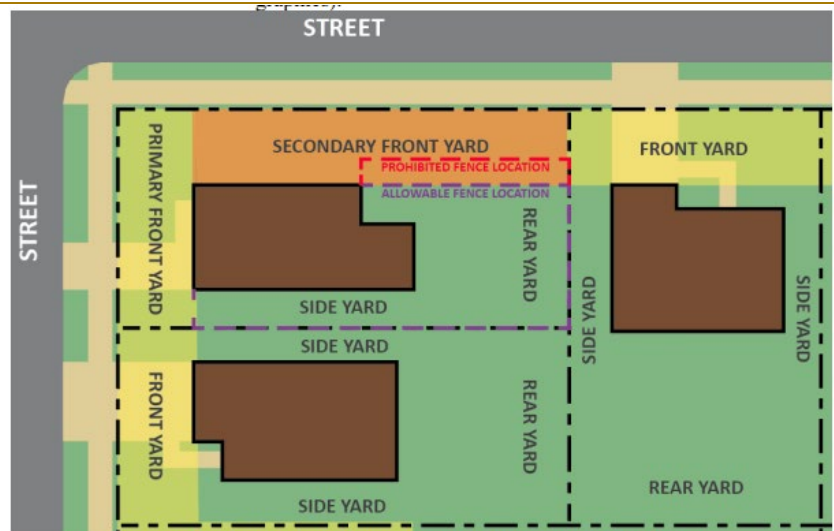
The Village Board amended the Zoning Ordinance in 2018 (Ord. No. 2018-O-002) to explicitly prohibit fences in secondary front yards for corner lots. The amendment also clarified language, added new definitions, and created a ten-foot administrative variation to allow fences in secondary front yards in certain circumstances. The amendment was the result of months of deliberation between the Zoning Board of Appeals, the Plan Commission, and the Community Development Committee, and was intended to reduce ambiguity and the number of fence variations. These groups anticipated that many existing fences would become nonconforming with the updated Code provisions since fence rules were not uniformly enforced. Language was added to the ordinance that fences being replaced must conform to the new standards.

The Village Board amended the Zoning Ordinance again in 2019 (Ord. No. 2019-O-017) to increase the height of open fences in secondary front yards from four feet to five feet. The purpose of this amendment was to require taller fences in yards with pools as an alternative to pool enclosures.

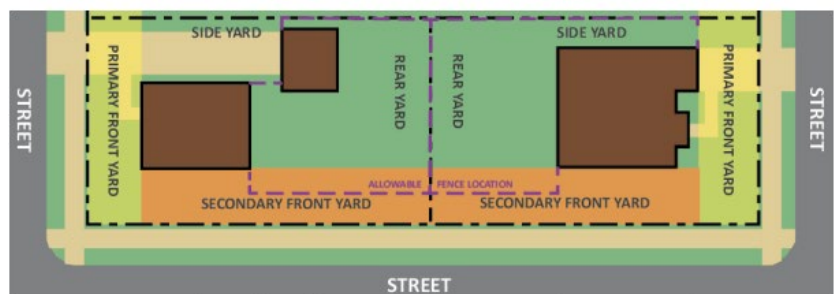
EXISTING REGULATIONS

The Zoning Ordinance regulates the location, materials, and maximum height of fences. It contains provisions on permitting, temporary fences, and nonconforming fences. The allowable location is currently based on the lot type (interior, corner, etc.), and yard type (primary front, secondary front, side, and rear). The distances of the yards vary, depending on the zoning district the subject property is in. Thus, properties in a less-dense residential zoning district (such as R-1) require fences to be set back further in than a property in a more dense district (such as R-7). Sight lines and clear vision triangles must be maintained, and private fences are not allowed in rights-of-way, nor may obstruct utilities. Fences may be allowed in certain easements with written approval. Maximum fence height is 6'-0" from top of panel and 6'-6" to top of post, measured from grade. Permits are not required for fence repairs not more than one 8' section of fencing per year on a legally permitted fence.

The Zoning Ordinance contains a provision that allows an administrative variation for corner lot fences in R-1 through R-7 zoning districts. This administrative approval allows fences to



Graphic: Prohibited Fence Location in Secondary Front Yard



Graphic: Allowable Fence Location in Secondary Front Yard

Graphic per Section III.J.3.a.1 Administrative Approvals – Secondary Front Yard

encroach up to ten feet into a secondary front yard. They are limited to a maximum height of five feet panels and 5'-6" posts, must be open style (prohibiting chain link and privacy style), and not obstruct sight lines or cause a negative impact to safety. They cannot abut a neighboring primary front yard, meaning the provision may only be applied to properties where rear property lines abut, as depicted above.

Fence Variation requests that come to the Village Plan Commission and Village Board are generally evaluated in terms of whether there is a physical hardship or uniqueness to the property. Hardships for a Variation must be related to the physical characteristics of the property. Some situations where a variation may be approved include lots that are of an unusual shape such as three sides (two secondary front yards) or lots that are located behind the neighboring lot due to extended right-of-way lawn area.

In the Legacy District, open fences may be located within the buffer zone (parkway) when incorporated into raised planter beds or used as tree guards. Fences three to four feet tall are permitted along front property lines of private frontages. Residential lots with secondary front yards are permitted to have six-foot open or privacy fences fifteen feet from the property line, not extending past the front façade of the primary structure.

PREVIOUS PLAN COMMISSION DISCUSSION AND OPTIONS

At the March 16, 2023 Plan Commission meeting, the Commission directed staff to bring forward an amendment with unanimously agreed upon provisions highlighted in the Modified Regulations section below.

At the September 1, 2022 Plan Commission meeting, the Commission discussed fence regulations related to front yard fences in older, historic neighborhoods within the Village where the Legacy Code does not apply. Commissioners Shaw, Mani, and Gaskill, and Chairman Gray noted that the current regulations create nonconformities in historic neighborhoods where front yard fences are part of the character of the neighborhood.

To address front yard fences in historic neighborhoods, the Plan Commission could continue the current policy of requiring a variation to replace or install open fences in front yards. These variations can be conditioned to control the character of front yard fences and coordinate with existing properties. This policy would be applied on a case-by-case basis, which requires Staff and Commission time to consider each variation request.

The City of Evanston and Villages of Plainfield and Lemont take a different approach to recognize the context of front yard fences. Evanston designates certain streets as "Type 1 Streets" which are based on the character of a neighborhood. Along these streets, open-style front-yard fences are permitted. There are five streets designated as Type 1 Streets in the Evanston City Code. The streets are designated with specific block ranges, and either prohibit certain fence materials (mostly chain-link) or require wrought iron fences. Both Plainfield and Lemont allow 4' open fences only in their downtown zoning district areas.

Evanston's approach reduces the number of variations by allowing front yard fences by right along certain streets. Plainfield's and Lemont's approach does the same, but in a specific area rather than along certain streets. With front yard fences permitted by right, more property owners may opt to install appropriate style fences, enhancing the character of the neighborhood.

MODIFIED REGULATIONS

After deliberation lead by staff, the Plan Commission unanimously agreed to direct staff bring forward an amendment to:

- Allow fences in secondary front yards no less than ten feet from the Secondary Front Yard property line that:
 - are open-style and/or privacy-style;
 - are no taller six feet (six-foot six-inch post height); and
 - are comprised of materials allowed elsewhere in Section III.J. Fence Regulations with the exception of chain-link.

An ordinance draft and code amendment draft showing additions and deletions are provided as attachments to this report. While not eliminating all variation requests these changes would greatly increase the yard area permitted to be fenced on corner lots. However, the changes also work to maintain aesthetics, still ensures visibility is maintained on all lots, and keeps the same requirements across all zoning districts.

MOTION TO CONSIDER

If the Plan Commission wishes to act on the proposed text amendment, appropriate wording of the motion is:

“...make a motion to recommend that the Village Board amend Section III.J. Fence Regulations of the Zoning Ordinance as described in the May 4, 2023 staff report and attached drafted ordinance to modify secondary front yard fence regulations.”

Staff Exhibit A

History of Fence Regulations Related to Corner Lots

1956-2005	<i>"Fences in which the opening between the materials of which the fence is constructed represent less than seventy (70) percent of the total surface may be erected to a height not exceeding four (4) feet along the boundaries of a lot, except that no such fence shall be erected within thirty (30) feet of a street intersection. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy (70) percent of the total fence area may be erected to a height of six (6) feet, except within thirty (30) feet of a street intersection."</i>
2007-2009	<p>Corner fences are allowed 10 feet into the required side yard similar to the current regulations and allowed to be 6 foot solid with Zoning Administrator review of visibility.</p> <p><i>"Fences not exceeding six (6) feet in height above natural grade level projecting not more than ten (10) feet into the required front setback on the side yard street frontage of a corner lot in a residential zoning district, provided that the Zoning Administrator or his designee determines that the provisions of Section III.G of this Ordinance will be maintained and that there will be no obstruction to the visibility of vehicular or pedestrian traffic. If the Zoning Administrator deems that such a visibility obstruction would occur, he may require that portions of or all of the fence be constructed of an open design, or of a shorter height, or a combination of both, or the Zoning Administrator may deny the request. The determination of the Zoning Ordinance may be appealed to the Zoning Board of Appeals pursuant to Section X.F of this Ordinance."</i></p>
2011-2017	A chart was created which determined what accessory uses and structures could encroach within a required yard under certain situations. It was here when fences 6 feet in height were permitted as an obstruction within 10 feet of the required secondary front yard. The Zoning Administrator was left to determine if the fence was a visibility obstruction and if it was required to obtain a Variation or not. This process and the standards attached resulted in the inconsistent enforcement of the zoning code requirements and numerous issues that created aesthetic and visibility concerns.
2017-Present	Code Changes were initiated to determine what fences in the secondary front yard should be permitted going forward and to make the regulations clear to residents and staff. The new regulations were reviewed and revised by the Zoning Board of Appeals, Community Development Committee, and the Plan Commission. They were approved by the Village Board in January 2018. The result of the text amendments reduced allowable fences extending into the required secondary front yard to be a maximum 4 feet in height (4'6" posts) and open style (50% open to light and air). When approved it was known that there would be numerous fences that would become legal non-conforming in the Village and would need to come into compliance when their fence needed replacement or adjustment.

EXHIBIT A

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~~ in Nonresidential zoning districts:

PERMITTED FENCE LOCATION BY LOT TYPE AND YARD TYPE – <u>NONRESIDENTIAL</u>				
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) Permitted fence location in Residential zoning districts:

PERMITTED FENCE LOCATION BY LOT TYPE AND YARD TYPE – RESIDENTIAL				
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 no less than ten feet in from secondary front yard property line(s). 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.a.
Corner Through Lot	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Fence Permitted no less than ten feet in from secondary front yard property line(s) 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.a.
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

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(2)(3) Rights-of-Way, Drainage, and/or Utility Easements.

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- (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)~~(4) 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

(iii)(iv) Chain-link within required secondary front yards

(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.

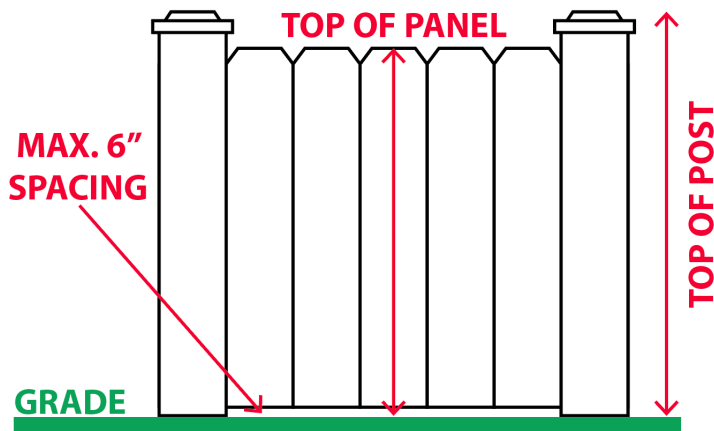
(7) Fencing shall be uniform in color.

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").

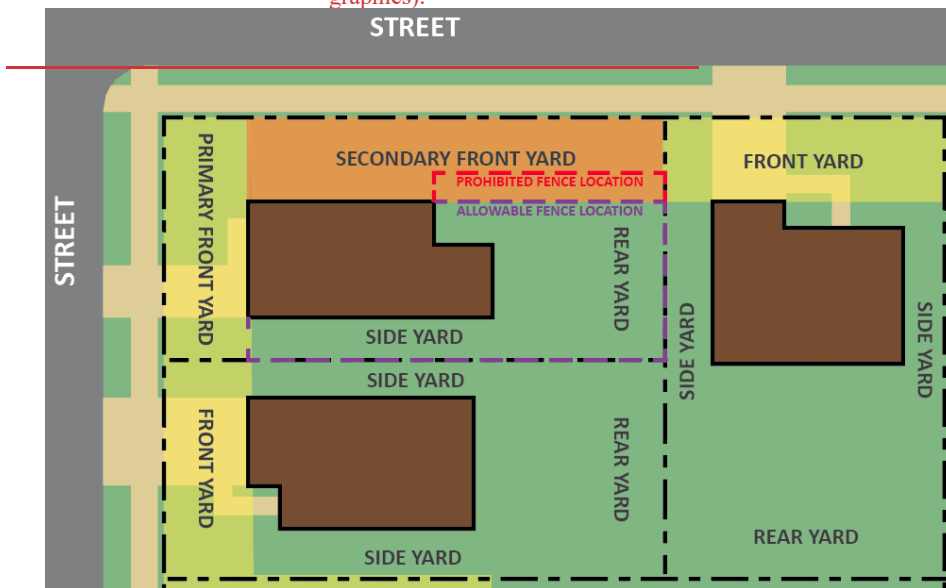


3. Administrative Approvals: The Zoning Administrator or their designee may grant administrative approval for a fence in the following circumstances:

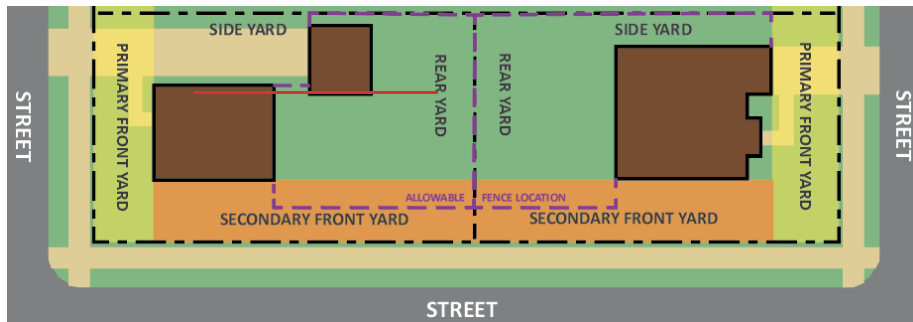
a. Secondary Front Yard

(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

a. 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:

- (2)(1) The fence meets all provisions within Section III.J.2.b. and III.J.2.c.; and
- (3)(2) 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.

THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE
NO. 2023-O-XXX

**AN ORDINANCE AMENDING THE VILLAGE OF TINLEY PARK ZONING
ORDINANCE REGARDING FENCE REGULATIONS**

MICHAEL W. GLOTZ, PRESIDENT
NANCY O'CONNOR, VILLAGE CLERK

WILLIAM P. BRADY
WILLIAM A. BRENNAN
DENNIS P. MAHONEY
MICHAEL G. MUELLER
KENNETH E. SHAW
COLLEEN M. SULLIVAN
Board of Trustees

VILLAGE OF TINLEY PARK
Will County, Illinois

ORDINANCE NO. 2023-O-XXX

**AN ORDINANCE AMENDING THE VILLAGE OF TINLEY PARK ZONING
ORDINANCE REGARDING FENCE REGULATIONS**

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 modify fence regulations for corner lot properties; and

WHEREAS, amendments to the Tinley Park Zoning Ordinance have been proposed and processed in accordance with the provisions of the Tinley Park Ordinance; and

WHEREAS, after due notice as required by law the Plan Commission of the Village held a Public Hearing on said Amendments on May 4, 2023, at which time all persons were afforded an opportunity to be heard; and

WHEREAS, the Plan Commission agreed that modifications to the allowable locations of fences on secondary front yards of residential corner lots will reduce the number of fence Variation requests sought each year; and

WHEREAS, the Plan Commission voted **X-X 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;

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 III.J. (Fence Regulations), subsection 2.a. is hereby amended to create the distinction between residential and nonresidential fence locations as follows:

2. Regulations.

a. Location.

(1) Permitted fence location in ~~all~~ Nonresidential zoning districts:

PERMITTED FENCE LOCATION BY LOT TYPE AND YARD TYPE – <u>NONRESIDENTIAL</u>				
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) Permitted fence location in Residential zoning districts:

<u>PERMITTED FENCE LOCATION BY LOT TYPE AND YARD TYPE – RESIDENTIAL</u>				
<u>LOT TYPE</u>	<u>YARD TYPE</u>			
	<u>Front/Primary Front</u>	<u>Secondary Front</u>	<u>Side</u>	<u>Rear</u>
<u>Interior Lot</u>	<u>Fence Permitted at or behind Required Setback Line</u>	<u>n/a</u>	<u>Permitted at 0' Setback from Property Line</u>	<u>Permitted at 0' Setback from Property Line</u>
<u>Interior Key Lot</u>	<u>Fence Permitted at or behind Required Setback Line</u>	<u>n/a</u>	<u>Permitted at 0' Setback from Property Line</u>	<u>Permitted at 0' Setback from Property Line</u>
<u>Corner Lot</u>	<u>Fence Permitted at or behind Required Setback Line</u>	<u>Fence Permitted no less than ten feet in from secondary front yard property line(s). See also Section III.J.3.</u>	<u>Permitted at 0' Setback from Property Line</u>	<u>Permitted at 0' Setback from Property Line</u>
<u>Reversed Corner Lot</u>	<u>Fence Permitted at or behind Required Setback Line</u>	<u>Fence Permitted at or behind Required Setback Line. See also Section III.J.3.</u>	<u>Permitted at 0' Setback from Property Line</u>	<u>Permitted at 0' Setback from Property Line</u>
<u>Through Lot</u>	<u>Fence Permitted at or behind Required Setback Line. See also Section III.J.3.</u>	<u>n/a</u>	<u>Permitted at 0' Setback from Property Line</u>	<u>Permitted at 0' Setback from Property Line. See Section III.J.3.a.</u>
<u>Corner Through Lot</u>	<u>Fence Permitted at or behind Required Setback Line. See also Section III.J.3.</u>	<u>Fence Permitted no less than ten feet in from secondary front yard property line(s) See also Section III.J.3.</u>	<u>Permitted at 0' Setback from Property Line</u>	<u>Permitted at 0' Setback from Property Line. See Section III.J.3.a.</u>
<u>Flag Lot</u>	<u>Fence Permitted at or behind Required Setback Line</u>	<u>n/a</u>	<u>Permitted at 0' Setback from Property Line</u>	<u>Permitted at 0' Setback from Property Line</u>

SECTION 3: that Section III.J. (Fence Regulations), subsection 2.a.(1).2. is established to permit fences on residential lots within required secondary front yards no less than ten feet from the secondary front yard property line.

SECTION 4: that Section III.J. (Fence Regulations), subsection 2.b.(4) is hereby amended to prohibit chain-link fences in required secondary front yards.

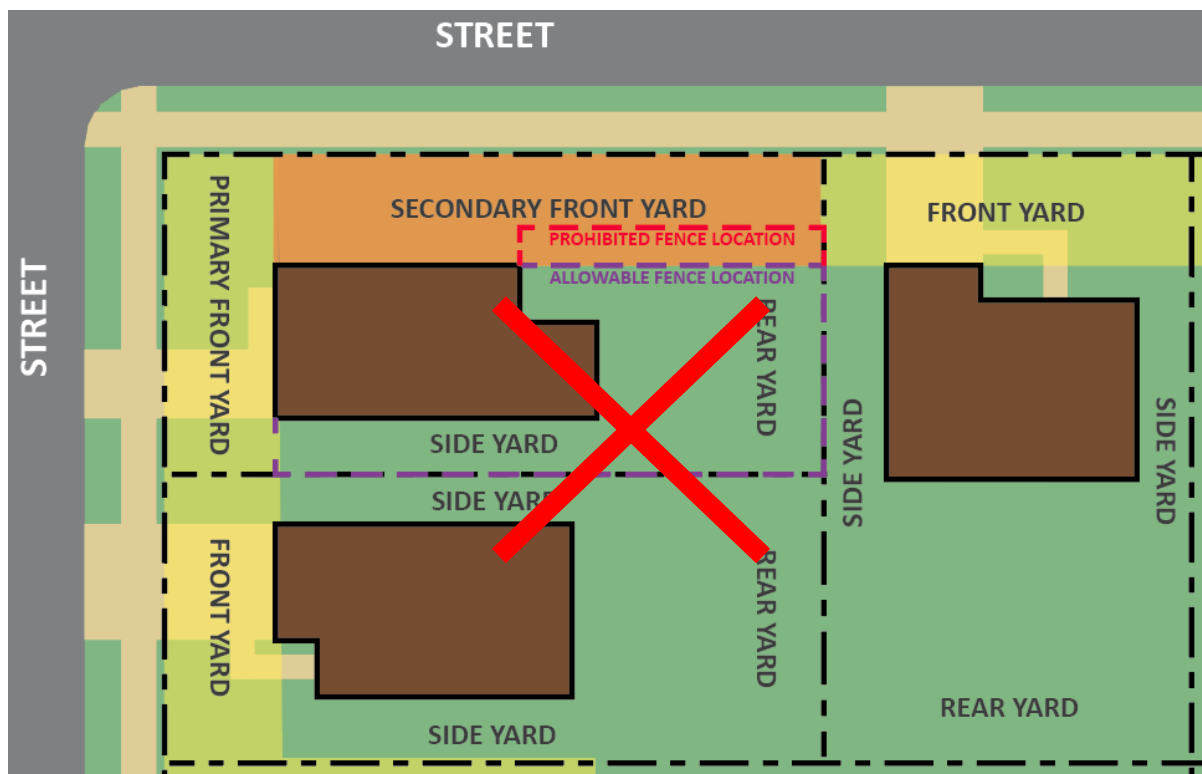
SECTION 5: that Section III.J. (Fence Regulations), subsection 3.a. is hereby stricken as follows:

- a. Secondary Front Yard

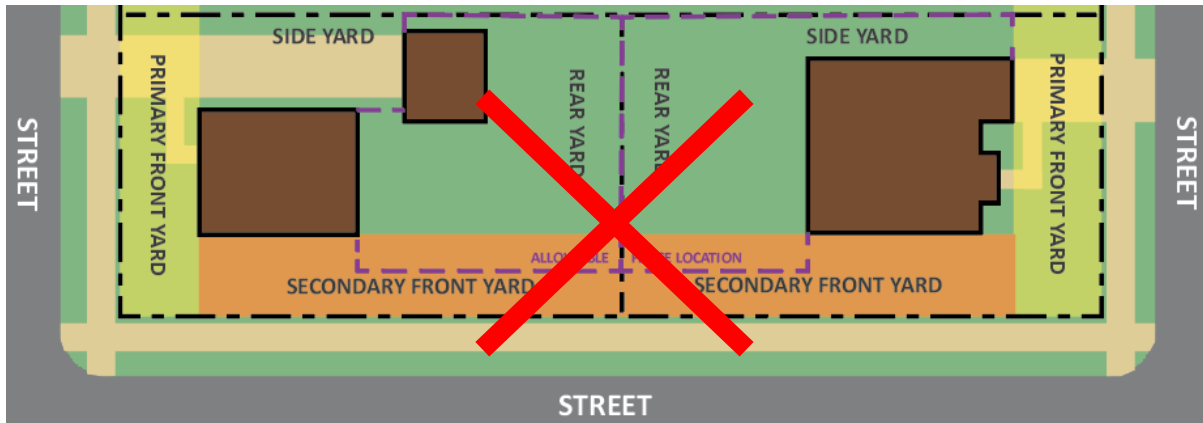
(1) A fence within a secondary front yard may be permitted to encroach up to ten feet (10') into the required front yard setback, provided that:

- (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).

SECTION 6: that the graphics included as part of Section III.J. (Fence Regulations), subsection III.J.3.a.(1).(vi). are hereby stricken as follows:



Graphic: Prohibited Fence Location in Secondary Front Yard



Graphic: Allowable Fence Location in Secondary Front Yard

SECTION 7: that formatting and other insignificant changes are provided in this Amendment.

SECTION 8: that the attached document, incorporated into this ordinance as Exhibit A, provides document tracking for all changes to the Zoning Ordinance Section III.J.

SECTION 9: 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 10: That this Ordinance shall be in full force and effect from and after its adoption and approval.

SECTION 11: 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 6th day of June 2023.

AYES:

NAYS:

ABSENT:

APPROVED THIS 6th day of June 2023.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, NANCY 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. 2023-O-XXX, “AN ORDINANCE AMENDING THE VILLAGE OF TINLEY PARK ZONING ORDINANCE REGARDING FENCE REGULATIONS” which was adopted by the President and Board of Trustees of the Village of Tinley Park on May 16, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 6th day of June 2023.

VILLAGE CLERK