

Public participation is invited on each agenda item prior to the Board's deliberation. **When called upon, please approach the microphone and state your name and the address where you live. Kindly limit your remarks to three (3) minutes.**

VILLAGE OF VILLA PARK
Village Hall, Board Room Chambers
20 S. Ardmore Avenue
Villa Park, IL 60181

Planning and Zoning Commission

May 11, 2023

7:30 PM

Chairman Jason Jarrett

Commissioners: Larry Calvert, Edward Hofstra, Kenneth Jackson, Eric Luedtke, Michael Orlowski, Dominick Romano, Justin Shlensky and Louis LeMieux

1. Call to Order - Roll Call

2. Approval of Minutes

2.a Minutes

[General Minutes 4-13-23.pdf](#)

[Minutes PZ-23-001 4-13-23.pdf](#)

[Discussion Minutes 4-13-23.pdf](#)

3. Public Hearing - New Business

Please note that no further testimony on a matter can be considered after the close of the public hearing.

- a. Staff Input
- b. Presentation of Petitioner
- c. Public Participation and Questions
- d. Questions from the Commission
- e. Closing Comments of Petitioner
- f. Close Public Hearing
- g. Discussion by Commission Members
- h. Motion

- 3.a Continuation of PZ-23-001 / Zoning Ordinance Text Amendments / Consider Text Amendments to Appendix C - Basic Zoning Ordinance to remove conflicts, clarify certain language, and follow best practice for Article 7 - Parking / Article 9 - Site Design and Performance Standards / Article 13 - Measurements and Definitions / Petitioner, Village of Villa Park.

[Exhibit A - Proposed Amendments 2.pdf](#)

[Proposed Amendments 2 - REDLINE.pdf](#)

[PZ-23-001 Staff Memo 2 - Zoning Ordinance Text Amendments.pdf](#)

4. Other Business (Public Comments on Non-Agenda Items)

5. Adjournment

The Villa Park Village Hall is subject to the requirements of the Americans with Disabilities Act of 1990. An elevator is operational at the north side entrance to the Village Hall during normal work hours and also during evenings. Individuals with special needs are requested to contact the Village's Compliance Officer at (630) 834-8500 so that reasonable accommodations can be made for those persons.

Planning and Zoning Commission Agenda Item Report

Meeting Date: May 11, 2023

Submitted by: Pat Boksha

Submitting Department: Planning and Zoning Commission

Item Type: Minutes

Agenda Section: Approval of Minutes

Subject:

Minutes

Suggested Action:

Attachments:

[General Minutes 4-13-23.pdf](#)

[Minutes PZ-23-001 4-13-23.pdf](#)

[Discussion Minutes 4-13-23.pdf](#)

IN RE THE MATTER OF:

REGULAR MEETING MINUTES

7:30 P.M.

REPORT OF PROCEEDINGS had before the
VILLAGE OF VILLA PARK PLANNING & ZONING
COMMISSION, held at the Villa Park Village Hall,
20 South Ardmore Avenue, Villa Park, Illinois,
commencing at 7:30 o'clock p.m., on Thursday, the
13th day of April, 2023.

APPEARANCES: MR. JASON JARRETT, Chairman
MR. DOMINICK ROMANO, Commissioner
MR. KENNETH JACKSON, Commissioner
MR. ERIC LUEDTKE, Commissioner
MR. LARRY CALVERT, Commissioner
MR. MICHAEL ORLOWSKI, Commissioner
MR. EDWARD HOFSTRA, Commissioner

ALSO PRESENT: MR. NICK CUZZONE, Villa Park President
MS. PAT BOKSHA, Office Coordinator
MS. STEPHANIE BARAJAS, Planner

REPORTED BY LYN DOERING, CSR.

1 CHAIRMAN JARRETT: I call this
2 regular meeting of the Village of Villa Park
3 Planning and Zoning Commission to order.

4 Roll call:

5 Calvert?

6 COMMISSIONER CALVERT: Here.

7 CHAIRMAN JARRETT: Hofstra?

8 COMMISSIONER HOFSTRA: Here.

9 CHAIRMAN JARRETT: Jackson?

10 COMMISSIONER JACKSON: Here.

11 CHAIRMAN JARRETT: Kase?

12 (No response).

13 CHAIRMAN JARRETT: Luedtke?

14 COMMISSIONER LUEDTKE: Here.

15 CHAIRMAN JARRETT: Orlowski?

16 COMMISSIONER ORLOWSKI: Here.

17 CHAIRMAN JARRETT: Romano?

18 COMMISSIONER ROMANO: Here.

19 CHAIRMAN JARRETT: Shlensky?

20 (No response).

21 CHAIRMAN JARRETT: I too am
22 present.

23 With that we have a quorum.

24 The first item of business will be the

1 approval of minutes.

2 Anybody have any questions, comments,
3 amendments to the agenda -- excuse me -- to the
4 minutes?

5 COMMISSIONER ORLOWSKI: No.

6 I make a motion to approve.

7 CHAIRMAN JARRETT: Motion.

8 Second?

9 COMMISSIONER HOFSTRA: I will
10 second.

11 CHAIRMAN JARRETT: Second.

12 All in favor?

13 ALL PRESENT: Aye.

14 CHAIRMAN JARRETT: Any opposed?

15 (No response.)

16 CHAIRMAN JARRETT: All right. The
17 minutes are approved.

18 (Proceedings concluded at
19 7:32 p.m.)

20 ///

21 ///

22 ///

23 ///

24 ///

1 I, LYN DOERING, Certified Shorthand
2 Reporter and Notary Public in and for the State of
3 Illinois do hereby certify that the foregoing
4 proceedings were reported stenographically by me,
5 was thereafter reduced to a printed transcript by
6 me, and constitutes a true record of the testimony
7 given and the proceedings had;

8 That I am not a relative or employee or
9 attorney or counsel, nor a relative or employee of
10 such attorney or counsel for any of the parties
11 hereto, nor interested directly or indirectly in
12 the outcome of this action.

13 IN WITNESS WHEREOF, I do hereunto set my
14 verified digital signature at Chicago, Illinois,
15 this 2nd day of May, 2023.

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Certified Shorthand Reporter
State of Illinois
CSR License No. 084-003037

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IN RE THE MATTER OF:)
)
VILLAGE OF VILLA PARK,) PZ-23-001
Petitioner)

7:30 P.M.

ALSO PRESENT: MR. NICK CUZZONE, Villa Park President
MS. PAT BOKSHA, Office Coordinator
MS. STEPHANIE BARAJAS, Planner

9

1 CHAIRMAN JARRETT: We have one item
2 of business this evening. We will run through it
3 step by step. There is nobody from the public
4 here.

5 And that is PZ-23-001, Zoning Ordinance
6 Text Amendment, consider text amendments to
7 Appendix C, basic zoning ordinance to remove
8 conflicts, clarify certain language and follow
9 best practice for Article 7 Parking, Article 9
10 Site Design and Performance Standards, Article 14
11 Measurements and Definitions, Petitioner Village
12 of Villa Park.

13 Stephanie, whenever are you ready to
14 give us a little background.

15 MS. BARAJAS: Yes, thank you.

16 So as noted, in the past there has been
17 some issues or deficiencies in the zoning
18 ordinance. There was already a series of text
19 amendments that were done within the last year and
20 they were recently adopted by the Village Board.

21 And to further continue fixing the
22 inconsistencies and adding clarifications we are
23 proposing a few amendments to three different
24 articles in the code. I can start running through

1 all of them.

2 Okay. So for Article 7, Parking, we are
3 looking at Section 7.10, Accessible Parking.

4 Right now the Accessible Parking section
5 has a lot of the same information as the Illinois
6 Accessibility Code and there are a few stricter
7 regulations in our local amendments, including not
8 allowing a shared access aisle.

9 So we are proposing to defer to the
10 Illinois Accessibility Code for all of the parking
11 standards without creating any extra restrictions.

12 And then moving to Article 9, Site
13 Design and Performance Standards, we are talking
14 about Section 9.2 for fences.

15 Right now there is currently a blanket
16 use of open mesh fences or chain-link fences for
17 industrial uses. The code does not make a
18 distinction between public uses and industrial,
19 which is a private use. So we are looking to make
20 sure that they are considered to be separate
21 items.

22 So we would allow the exemption to the
23 fence regulations for all public uses but restrict
24 the M-Zoning District to a height of eight feet.

1 So the only difference between the two
2 the exemptions is the height. We just don't want
3 the M-Zoning District to be any higher than
4 eight feet.

5 CHAIRMAN JARRETT: Okay.

6 MS. BARAJAS: And then we are
7 clarifying where barbed wire is allowed to match
8 the open mesh fences which is again a continuation
9 of the removal of the blanket use of open mesh
10 fences for consistency.

11 And then moving towards Table 9.1:

12 Table 9.1 is amended to remove
13 inconsistencies of where fences are allowed on a
14 lot based on height and type.

15 We proposed to split the exterior yard
16 type into two separate categories:

17 One being the corner side abutting the
18 front yard and the other a corner side not
19 abutting the front yard.

20 It might be helpful to pull up in the
21 staff memo on the third page we have a visual on
22 what these different yard types look like in
23 relation to each other.

24 Just when you are looking at that, the

1 top example is corner side not abutting the front
2 yard and then the bottom right is corner side
3 abutting the front yard. So that's one of the
4 changes in that table.

5 The other one is reducing the maximum
6 solid fence height to four feet in the corner side
7 abutting a front yard to match the maximum open
8 fence height for corner sides of the yard.

9 This distinction we find is incredibly
10 relevant to Villa Park because as we found through
11 the permit review process not all corner lots are
12 created equal.

13 We see a lot of both of these types,
14 which in the terms of the one on top, which is
15 rear to rear, there is no issue having a six-foot
16 fence. But when you are talking about putting a
17 six-foot fence into what would be somebody's front
18 yard it gets a little trickier.

19 So the current code allows for a
20 six-foot fence to be installed in the exterior
21 yard up to the rear property line.

22 In the same location the neighbor to the
23 rear of that property would only be allowed to
24 install a four-foot fence because it's their front

1 yard.

2 So to avoid this type of discrepancy and
3 ensure that the corner property does not lose
4 their rear yard and the property behind them would
5 still have a relatively open front yard we are
6 proposing to reduce the fence height there.

7 Then the last change in that table is
8 Note 3 for Interior Side is that it would be made
9 clear in the Definition section for yard types.
10 That's Figure 14-7.

11 And then the next change in the section
12 is correcting definitions for lot types:

13 In different parts of the section
14 through lots are referred to as double frontage
15 lots. So this is -- they are facing two or have
16 two front yards.

17 So we are just changing that to stay
18 consistent with the definition and it reduces any
19 confusion when classifying lots by making it clear
20 that this has two front or two street yards.

21 The next change is removing outdated
22 graphics. So Figure 14-7 will be the updated
23 graphics. They are a little bit clearer on what
24 we are looking for, in terms of defining the

1 different yards and they match the rest of the
2 code aesthetically.

3 And then the attached exhibit, which is
4 the one I told you, on Page 3 of the staff memo is
5 the one showing all the differences and where you
6 can have four feet and six feet.

7 Then moving along to Article 9, Site
8 Design and Performance Standards, Section 9.3,
9 Visibility Triangles, we are correcting the
10 language to define the driveway visibility
11 triangle.

12 And typically -- This is also what the
13 actual image that's in the code shows is that the
14 triangle is measured beginning at the intersection
15 of the property line and the driveway edge. So
16 this is where they are seen as they are pulling
17 out for the sidewalk and the street.

18 So we are proposing to correct Street in
19 the code to Property Line to match the intent of
20 Figure 9-6 that's already in the code.

21 Then for Article 14, Measurements and
22 Definitions, Section 14.2, Definitions, there is
23 just inconsistency with the alphabetical order of
24 the definition, so it's being corrected.

1 And then adding graphics for clarity for
2 fence types. So what we consider an open fence
3 and what we consider a solid fence so people can
4 visualize that.

5 And then a simple correction to the
6 label of Figure 13.6 which should be 14.6 and
7 that's in Article 14.

8 For the Yard Definitions there was a few
9 changes:

10 One is creating separate definitions for
11 side yard, splitting it into corner side and
12 interior side to create that distinction, as they
13 are both very different. And this will remain
14 consistent with the way we are defining the rest
15 of the yards in the other sections.

16 So that's basically all. We
17 recommend -- We support these changes as staff.
18 That's it for me.

19 CHAIRMAN JARRETT: Okay. Thank
20 you.

21 All right. I don't see anyone from the
22 public wishing to speak. So we will move on to
23 questions from the Commission.

24 I think probably the easiest way to do

1 this is kind of combine questions and discussion
2 and go through it that way in order.

3 COMMISSIONER HOFSTRA: Yeah, that
4 seems fair.

5 CHAIRMAN JARRETT: So the
6 Article 7, Parking, that seems like a no-brainer
7 to me. We are striking all the language and
8 replacing it with a reference to the State code,
9 Accessibility Code.

10 Does anybody have any issues with that?

11 COMMISSIONER ORLOWSKI: No.

12 COMMISSIONER ROMANO: No.

13 COMMISSIONER LUEDTKE: No.

14 CHAIRMAN JARRETT: Then on the Site
15 Design Performance Standards I am looking at the
16 redlined copy.

17 The first one involving the fences in
18 the M-Zoning District, as Stephanie said, that's
19 just removing height limitations, primarily
20 separating those two. Not removing height limits
21 but setting the height limit at eight feet.

22 No questions or comments on that?

23 COMMISSIONER CALVERT: I do have a
24 question, just to clarify with the fencing.

1 So a chain-link fence is still permitted
2 in a front yard; is that true?

3 CHAIRMAN JARRETT: Are we talking
4 generally or?

5 COMMISSIONER CALVERT: Generally,
6 yeah.

7 CHAIRMAN JARRETT: Yes.

8 That's something that I may be bringing
9 up when we talk about fences generally.

10 You are talking about fences generally?

11 COMMISSIONER CALVERT: Yes,
12 chain-link fence in a front yard or a side yard,
13 you know, in the front of the house.

14 CHAIRMAN JARRETT: Yes, currently a
15 mesh fence, a chain-link fence would be permitted
16 in any yard, as I understand it.

17 Correct, Stephanie?

18 MS. BARAJAS: Yes, it's considered
19 an open fence.

20 COMMISSIONER CALVERT: Are we okay
21 with that generally, a chain-link fence in the
22 front yard? I know there's a lot of them.

23 CHAIRMAN JARRETT: I think there's
24 going to be -- What I would say is very soon, I

1 think when we get into fences generally, we are
2 going to have a discussion about that probably,
3 but my answer is I am really not okay with it.

4 COMMISSIONER CALVERT: Okay. Good.
5 I think in the year 2023 we have a lot of fencing
6 options.

7 CHAIRMAN JARRETT: Yes.

8 COMMISSIONER CALVERT: When we
9 start looking at different fences and things and
10 maybe that is something we can maybe move away
11 from.

12 CHAIRMAN JARRETT: Yeah,
13 particularly in --

14 COMMISSIONER CALVERT: Especially
15 front yard.

16 CHAIRMAN JARRETT: Right.

17 And especially in none -- I mean, in
18 industrial areas it's a little different.

19 COMMISSIONER CALVERT: I am
20 speaking residential.

21 CHAIRMAN JARRETT: Yes, yeah.

22 If there are no questions or comments on
23 the industrial portion there?

24 If not, we can move on to -- Okay.

1 Yeah, this gets into Table 9.1 is being amended to
2 remove inconsistencies of where fences are allowed
3 on a lot based on height and type.

4 So Larry, you are bringing up a point
5 that I have been talking about with Mark, who is
6 obviously not here tonight, but our current code
7 allows solid fences in front yards at a height of
8 three feet and it allows chain-link in any yard.

9 Personally --

10 COMMISSIONER ORLOWSKI: I think in
11 any yard at four feet; right?

12 CHAIRMAN JARRETT: Chain-link, yes,
13 correct. So you can have a four-foot chain-link
14 fence in the front yard.

15 I would agree with you and your
16 sentiment that chain-link fences probably are not
17 appropriate in front yards.

18 I think a broader question is the
19 three-foot solid fence, also is that something
20 that we are comfortable with in front yards.

21 And I talked to Mark about this a little
22 bit and I know he said staff was generally
23 supportive of limiting front yard fences to being
24 transparent fences, open fences.

1 COMMISSIONER CALVERT: Uh huh.

2 CHAIRMAN JARRETT: That's different
3 than what is presented here but it is something I
4 discussed with Mark when he was talking to me
5 about the changes that he was proposing.

6 So the first question is, how do people
7 feel about chain-link fences in front yards,
8 chain-link fences specifically, and whether they
9 should be allowed or prohibited?

10 I say chain-link, I would say any kind
11 of mesh fence, because there is one in my
12 neighborhood that is basically a step above
13 chicken wire. It's that really thin-gauge
14 anodized...

15 COMMISSIONER ORLOWSKI: I am not a
16 fan of chain-link fence.

17 COMMISSIONER CALVERT: I am not
18 either. I think it's something in a residential
19 area that needs to be phased out.

20 COMMISSIONER LUEDTKE: In the front
21 yards or are you looking at blanket?

22 COMMISSIONER CALVERT: Ideally
23 completely but definitely in the front yard.

24 COMMISSIONER JACKSON: I don't

1 know, what about houses that -- a corner house,
2 yeah, that has a side yard that's considered
3 street facing but it's a long stretch and they
4 want to do chain-link in their backyard? That's
5 considered their back yard, the side yard.

6 CHAIRMAN JARRETT: It's not.
7 Actually it's the corner side yard.

8 COMMISSIONER JACKSON: So could
9 they make chain-link there?

10 CHAIRMAN JARRETT: Yeah, they
11 could, under the current ordinance.

12 COMMISSIONER JACKSON: But then
13 they have this other side facing the other street
14 which is considered front yard and they couldn't
15 do chain-link there. They would have to switch up
16 the fencing.

17 In the front on the other side, instead
18 of going chain-link all the way around, they have
19 to break it up and then put the fencing on the
20 front side. You are looking at a hodgepodge
21 there.

22 CHAIRMAN JARRETT: It would be my
23 thought that if you were not going to permit
24 chain-link in a front yard you wouldn't permit it

1 in a corner side yard either.

2 I mean, interior side yards and rear
3 yards are different. They don't have the same --
4 it's not the same street fronting aesthetic.

5 COMMISSIONER ROMANO: I would say,
6 while I agree aesthetically, I don't personally
7 like putting those limitations on people.

8 I mean, there's a lot of these corner
9 houses that a street facing yard is all they have.
10 There is no real backyard to it. The side yard
11 usually is the garage on the other side. And you
12 are really limiting those people to have any type
13 of privacy or pet fencing or anything like that,
14 if you are going to take that option off the
15 table.

16 CHAIRMAN JARRETT: Well, you will
17 still be able to have a fence but you would have
18 to install either -- depending upon how we end up,
19 I mean there are -- It wouldn't eliminate an
20 ornamental fence, like the modern things, they are
21 not wrought iron any more, but the wrought iron
22 looking black ornamental fences.

23 There's a couple in my neighborhood that
24 have done that, one around the entire property,

1 and it's actually -- it looks better than
2 chain-link.

3 There is one house over on the prairie
4 path the entire lot -- it's a corner house and the
5 entire lot is surrounded with chain-link.

6 COMMISSIONER ROMANO: Yeah, if we
7 are in the realm of discussing certain material I
8 would be okay with chain-link off the table but
9 allowing a fence still.

10 CHAIRMAN JARRETT: It would be --
11 Yes, so is there a consensus that -- Mark said
12 that he could craft a definition for mesh fence
13 which does not currently have a definition and
14 then add it to the table.

15 Is that something we would like to do
16 for mesh fences and say where would they not be
17 permitted -- front yards and?

18 COMMISSIONER ORLOWSKI: And in --

19 CHAIRMAN JARRETT: Corner side
20 yards?

21 COMMISSIONER ORLOWSKI: Open
22 fences, we would have to have some kind of a long
23 discussion to try to figure out how we are going
24 to make it fit or not fit within the Village

1 because we definitely have a lot of -- we have a
2 lot of yards that we would exclude some of the
3 things that they would be able to do, if we got
4 rid of mesh fences in the front yard, to where I
5 don't think -- some of it I don't think would look
6 right.

7 CHAIRMAN JARRETT: I am not
8 following you.

9 COMMISSIONER ORLOWSKI: As far as
10 having a solid fence around the whole front yard.

11 CHAIRMAN JARRETT: No.

12 When I say a mesh fence, I am speaking
13 specifically of like a wire fence.

14 COMMISSIONER ORLOWSKI: Okay.

15 CHAIRMAN JARRETT: You could still
16 do a wood picket.

17 COMMISSIONER ORLOWSKI: Okay.

18 CHAIRMAN JARRETT: You could still
19 do --

20 COMMISSIONER ORLOWSKI: Ornamental.

21 CHAIRMAN JARRETT: -- an ornamental
22 iron fence, be that is not technically iron.

23 COMMISSIONER LUEDTKE: Can we table
24 or at least set aside the material one?

1 Can we jump over to height first maybe
2 or at least next and see if we can come to some
3 understanding about that and that might help
4 inform material types?

5 The three page red -- staff memo was
6 helpful for me. Particularly the third sheet,
7 where it sort of had a mock block setup to sort of
8 see how these fence height and where they can sort
9 of occur on lots relative to each other and
10 relative to the whole. I thought that was very,
11 very helpful.

12 And to the point where, after sort of
13 delving into this conversation in my own head and
14 sort of picking through the fine -- the many
15 layers, I kind of came to a point where I was
16 looking at the intent of what we want to do with
17 the code from sort of the street view and how you
18 are walking along these properties or fences or
19 driving along the street and sort of seeing these
20 and thinking about some sort of level of
21 consistency.

22 And obviously that's probably where
23 four-foot elements at the corner side yard came
24 into play and that totally made sense.

1 You can see at the bottom edge of that
2 third page highlighted in red; that totally is
3 consistent with itself.

4 I am inclined to sort of support or
5 steer the code language to say that anything that
6 happens to occur in front yards and corner side
7 yards without exception to sort of occur at that
8 four-foot level, to sort of be limited at that
9 four-foot level.

10 I understand the two corner side yards
11 abutting each other, like as referenced at the top
12 edge of the drawing, that Page 3, but there is
13 still something disconcerting about walking along
14 a six-foot high fence, as compared to a four-foot
15 high fence. There is something about the effect
16 that we are creating sort of at the public right
17 of way and people going up and down those sort of
18 streets.

19 And so I am open to that conversation
20 but I could see -- I kind of like the idea of
21 anything that happens to touch a street right of
22 way, a property line, to be at that four-foot
23 level.

24 We can then get into the nuances of

1 whether or not we have a three-foot solid or is it
2 a four-foot open but a shorter height and
3 maintaining that consistency there.

4 I would be curious to hear what others
5 think.

6 COMMISSIONER CALVERT: I would be
7 supportive of that. I agree with you.

8 When you -- Especially when the fence
9 goes almost right up to the sidewalk and it's
10 six feet tall --

11 COMMISSIONER LUEDTKE: Yeah.

12 COMMISSIONER CALVERT: -- it
13 doesn't give a good look at all.

14 COMMISSIONER LUEDTKE: No.

15 COMMISSIONER CALVERT: But I
16 realize at four feet you are not going to get a
17 lot of privacy within your side yard there, but
18 you then have the option of doing some landscaping
19 as well, if that's important to you --

20 COMMISSIONER LUEDTKE: Right.

21 COMMISSIONER CALVERT: -- to get
22 that additional height. So I would be supportive
23 of that as well.

24 COMMISSIONER LUEDTKE: That

1 screening capacity to sort of create that privacy
2 gap.

3 COMMISSIONER CALVERT: Yeah.

4 CHAIRMAN JARRETT: I am curious to
5 hear what everybody thinks about this.

6 But kind of to your point about the
7 privacy on a corner side, theoretically somebody
8 could pull in -- like you see in the lower right,
9 they are showing where you can do a six-foot fence
10 and where you can do a four-foot fence.

11 If you pull it back to, you know,
12 outside the corner side yard, you could still have
13 that privacy, if you wanted. You would have to
14 give up some open space at the street to do
15 that --

16 COMMISSIONER CALVERT: Uh huh.

17 CHAIRMAN JARRETT: -- but ...

18 So what are people's thoughts on that?

19 COMMISSIONER JACKSON: I was
20 looking at some costs here.

21 Does chain-link fence generally cost
22 less than other types of fencing and they last the
23 same?

24 COMMISSIONER LUEDTKE: I have no

1 idea.

2 COMMISSIONER JACKSON: I am looking
3 here and I see chain-link is easiest to put up and
4 usually is lower cost than some of the other
5 materials that are out there.

6 I don't know, I just -- I hate telling
7 somebody what kind of fence they can put up or
8 not. If they want a privacy fence, put it up. If
9 they want a fence just to keep their dog from
10 running off, chain-link fences are good for that,
11 and they are not high, you can see through them.

12 I don't know. I am torn on it, I guess.

13 COMMISSIONER ORLOWSKI: There is
14 not really a lot of maintenance that goes along
15 with chain-link fence.

16 CHAIRMAN JARRETT: Yeah.

17 But on the topic of -- I mean, materials
18 is one topic.

19 COMMISSIONER ORLOWSKI: Right.

20 CHAIRMAN JARRETT: As far as like
21 four-foot versus six-foot on -- Basically what we
22 were -- what Eric is really talking about is as
23 the code is written here before us, if the corner
24 side yard -- which what we are seeing in red at

1 the bottom right -- if a corner side yard abuts a
2 front yard, which would be probably a situation
3 similar to Eric's house -- No, you've got two
4 front --

5 COMMISSIONER LUEDTKE: No, I would
6 have a corner.

7 CHAIRMAN JARRETT: A corner similar
8 to Eric's house, we would require that they have a
9 four-foot fence.

10 Let's just say four-foot. Don't worry
11 about the material, four-foot.

12 If two corner side yards abut each other
13 back to back -- which those of you who know my
14 house, that's my situation -- we would allow them
15 to have a six-foot fence.

16 It's one of those situations -- I mean,
17 abutting a front yard is somewhat more unique but
18 is there a reason aesthetically to not want
19 six-foot fences on that corner side yard situation
20 at the top of the page as well?

21 And what limitations does that put on
22 property owners?

23 COMMISSIONER ROMANO: Yeah.

24 CHAIRMAN JARRETT: Beyond what we

1 are already putting on another type of corner lot.

2 COMMISSIONER ROMANO: I think from
3 a personal standpoint I would always side on the
4 side of the individual, if they want privacy they
5 should be able to put a privacy fence.

6 The outside onlooker opinion doesn't
7 count as much as the owner of the house, if they
8 want a six-foot fence, I understand that.

9 I would say that whatever we do it
10 should be consistent. If we were to take this
11 example as a block, if I am this the person on the
12 bottom, I am saying, Wait, I can't have a six-foot
13 fence but this guy can facing the street?

14 I would say, consistency over anything
15 overall, because this doesn't make sense that
16 these people would be under different regulations
17 facing the street.

18 So if we were going to say, No higher
19 than four feet if you are facing the public, then
20 so be it, but I still would take that as a little
21 bit...

22 COMMISSIONER ORLOWSKI: Well, the
23 only issue that I run into with the top, for
24 instance, or the bottom, is the bottom front yard

1 facing this side, front yard facing this way, and
2 then their driveway coming out right where that
3 six-foot fence is right at the sidewalk.

4 COMMISSIONER LUEDTKE: Okay.

5 COMMISSIONER ORLOWSKI: So that
6 would be an issue for me.

7 COMMISSIONER LUEDTKE: Right.

8 But I think that gets to the site
9 triangle stuff we were talking about and I think
10 it also becomes a -- the next conversation. You
11 establish height and then you establish whether
12 it's open or whether it's closed right and so...

13 COMMISSIONER ORLOWSKI: I have to
14 look.

15 COMMISSIONER LUEDTKE: From my
16 perspective, since I sort of started this, and I
17 am like, Yeah, let's maintain, if it's abutting
18 the sidewalk and the public right of way,
19 four feet should be the height limit consistently
20 across, and then that becomes sort of a general
21 rule about how we are sort of experiencing sort of
22 the public realm, as we are walking or driving and
23 seeing things happening.

24 Then the openness, I can see that -- I

1 can see that being limited to only open and not
2 give the option for -- for a solid again at the
3 street.

4 COMMISSIONER ROMANO: Yeah.

5 COMMISSIONER LUEDTKE: Sort of
6 thinking just, I mean, how many front yard fences
7 do we have in this -- in the Village; right?

8 I mean, I don't want to say that we have
9 a lot but we probably don't have a lot. I think
10 the corner lots become --

11 COMMISSIONER ROMANO: Corner lots.

12 COMMISSIONER LUEDTKE: -- become
13 the unique animal.

14 CHAIRMAN JARRETT: I drove quite a
15 few streets this afternoon on my way home from
16 work.

17 I can't give you a percentage of how
18 many corner -- I mean, how many front yard fences
19 we have. It's not a lot. They are almost
20 exclusively corner lots.

21 Is it one in ten corner lots, probably.
22 I don't think it's more than that.

23 I was also looking for six-foot solid
24 fences that would be in corner side yards and I

1 would say that was probably one in four, one in
2 five of the ones that I saw.

3 Admittedly, a lot of those were very
4 small-space segments. Sometimes they didn't even
5 entirely enclose the yard. They were kind of put
6 up to provide some privacy, either adjacent to a
7 garage or at the back, frequently with some gap up
8 under around where the driveway --

9 Because like Mike said, most of our
10 corner lots do have a driveway that feeds onto the
11 side street and not along the -- not out the front
12 like we would in the interior lots.

13 But one thing I did see -- and this is a
14 matter of aesthetics -- is I did see a number of
15 really well-designed four-foot open fences in
16 front yards and side yards that aesthetically are
17 much more pleasing, to me. It's a matter of
18 aesthetics; right?

19 You know, good fences make good
20 neighbors; right?

21 But I live in a neighborhood where most
22 people don't have six-foot fences. Most people
23 have chain-link fences, love them or hate them,
24 but they are four-foot, and the kids watch each

1 other play across multiple yards and all those
2 things.

3 So I am not personally a six-foot fence
4 guy.

5 What are the downsides of a six -- I
6 mean, what are the advantages of a six-foot wooden
7 fence, theoretically more privacy without
8 landscaping.

9 COMMISSIONER LUEDTKE: Right.

10 CHAIRMAN JARRETT: And I don't know
11 if it actually increases security but an increased
12 sense of security for the homeowner.

13 Does it really increase security,
14 probably not much because most people probably
15 have a gate in their fence that's not locked.

16 I don't know what other advantages there
17 are beyond that.

18 COMMISSIONER ORLOWSKI: Fences are
19 rough.

20 CHAIRMAN JARRETT: Yeah.

21 COMMISSIONER ORLOWSKI: You could
22 really be restricting people in their property
23 which I actually wish the room was filled so that
24 I could get some feedback.

1 CHAIRMAN JARRETT: Here is the
2 thing, we don't have to make a decision tonight.
3 Anything that we would suggest to staff, I would
4 want staff to consider for the next meeting, and I
5 would want, you know, probably us to consider and
6 look at a little closer individually, as well,
7 because I --

8 Does it create some nonconforming
9 fences, it would, but to me fences are kind of
10 like signage; they have a limited life-span and
11 when that life-span is over you are going to
12 replace it and not simply repair -- not rebuild
13 it. You are going to replace it entirely in
14 place.

15 And so if the ordinance changes it's not
16 locking you into a -- If you are replacing the
17 fence, you would have to follow the new ordinance
18 is I guess what I am trying to say; as opposed to
19 not being able to do anything with your property
20 you would have to do a different type of fence
21 when it came time to replace it. Fence isn't
22 really a use so much as a design feature.

23 COMMISSIONER JACKSON: I think we
24 need to take into consideration what are the

1 reasons people are building fences.

2 They build some aesthetics to some
3 properties, some people want privacy, other people
4 want to keep pets out of their yard, keep other
5 animals out of their yard or unwanted people
6 walking on the sidewalk out of their yard.

7 And I think if we put too much, I guess,
8 rules around how you can build your fence, it's
9 like saying -- you know, it's a personal
10 preference of why you are building your fence and
11 what's the purpose.

12 You know, I have a pool, I have a hot
13 tub, I want to build a privacy fence. And now,
14 you are telling me I can't build a six-foot
15 privacy fence because it's too close to the
16 sidewalk?

17 As a homeowner I am not going to like
18 that. I want to have some privacy so I can run
19 around in my swimsuit and be in my pool.

20 CHAIRMAN JARRETT: You can still
21 build a six-foot fence. You would have to build
22 it farther on your property which your pool
23 couldn't be in your side yard anyway.

24 COMMISSIONER JACKSON: Right. But

1 I'm saying, people do it for different reasons. I
2 get what you are saying.

3 I will just sum it up in my thoughts,
4 it's kind of like, you know, each person has their
5 own haircut, you know, people like short hair,
6 some people like long hair.

7 Some people like big fences, some people
8 like short fences. Who are we to say whether they
9 can have a four-foot or a six-foot fence or what
10 have you.

11 I mean, yeah, I know it's our job but I
12 think that we are putting too much control over
13 it.

14 If you want to have a privacy fence,
15 there are already a bunch of privacy fences that
16 are right up along the sidewalk in the
17 neighborhood.

18 And I get what you are saying, over time
19 they will break, fade or people will repair them
20 or whatever, and there will be no choice but to
21 have a four-foot fence put up. I get it.

22 But I just think that people should have
23 a choice; that's my opinion.

24 CHAIRMAN JARRETT: What I am

1 hearing is that the corner side yard fences is a
2 complicated issue.

3 COMMISSIONER ORLOWSKI: Yes.

4 CHAIRMAN JARRETT: And I am
5 guessing Eric didn't think it would be not
6 complicated.

7 COMMISSIONER LUEDTKE: Exactly.

8 COMMISSIONER ORLOWSKI: I mean, the
9 bottom right, I already have a neighbor that has
10 that. They have -- If we were to make them only
11 have a four-foot fence along the sidewalk and then
12 bring a six-foot fence up to their house
13 throughout, it --

14 CHAIRMAN JARRETT: They don't have
15 to do that.

16 COMMISSIONER ORLOWSKI: No, I know.

17 But if they wanted a privacy fence it
18 would trash their whole yard to where it would
19 just be so unusable. So yeah, I mean, we would
20 have a lot of corner lots that we really wouldn't
21 know what to do with, just by the way they are
22 designed.

23 CHAIRMAN JARRETT: The problem is
24 we already do. We already have complications and

1 people put up fences without permits anyway.

2 COMMISSIONER ORLOWSKI: Right.

3 But if something happened to their fence
4 on Saturday in a windstorm and then they came to
5 the Village on Monday to get their fence repaired
6 and we pass this they would not be able to put the
7 same fence up, and me as a homeowner, I would have
8 a meltdown.

9 CHAIRMAN JARRETT: Well, I am sure
10 if your fence was damaged you would be able to
11 replace it in place, which would be different than
12 replacing a fence entirely -- I know what you are
13 saying.

14 COMMISSIONER ORLOWSKI: I would
15 really need some input from some public just to
16 get an idea on how they would feel about it.

17 COMMISSIONER ROMANO: Input that
18 way or have staff kind of look at some surrounding
19 villages to see how they handle corner fences.
20 Just for frame of reference maybe that would be a
21 good idea.

22 MS. BARAJAS: There is actually --
23 I did look up for Village of Lombard. They have
24 the same distinction of a corner side abutting a

1 front yard. They have it at a max four feet.

2 CHAIRMAN JARRETT: Yeah, Lombard --

3 COMMISSIONER ROMANO: So they could
4 have a block like this basically with these side
5 yards being six-foot on the street?

6 MS. BARAJAS: Yes.

7 CHAIRMAN JARRETT: Lombard's is
8 very close to what staff is proposing.

9 And then I looked up Elmhurst and
10 Elmhurst is exactly what ours is now, almost
11 verbatim.

12 They also have what I find a very odd
13 three-foot solid or four-foot open fence in the
14 front yard.

15 COMMISSIONER CALVERT: Did either
16 one of those communities discuss chain-link
17 fencing specifically?

18 MS. BARAJAS: Not that I recall.

19 CHAIRMAN JARRETT: One of the two
20 doesn't allow it.

21 COMMISSIONER CALVERT: Does not
22 allow chain-link?

23 CHAIRMAN JARRETT: One of the two
24 does not allow it in front yards. I remember

1 reading that because I just looked at them this
2 afternoon.

3 MS. BARAJAS: It's Elmhurst.

4 CHAIRMAN JARRETT: I can't remember
5 which. They have a little handout sheet for
6 permits and one of them does not permit mesh
7 fences in front yards.

8 COMMISSIONER ORLOWSKI: Yeah, I
9 guess my struggle would be, if this scenario on
10 the bottom right -- if we have that and then
11 something happened to the fence and they had to
12 repair the fence, they are going to get a permit
13 to repair it.

14 If the Village was going to say, Oh,
15 well, no, you can't put it back like that because
16 it's against our code, then I would have a problem
17 with it. If it was existing like that I would
18 have to have it stay that way.

19 MS. BARAJAS: I think it depends on
20 the case, what happened to it.

21 There is a section in the nonconforming
22 section where it says, If it's damaged by acts of
23 God it is a natural disaster. I am not sure if we
24 would consider like a windstorm part of that.

1 But in those type of cases when it's
2 accidental they are allowed to place the
3 nonconformity back the way that it was.

4 COMMISSIONER ORLOWSKI: Because I
5 mean, if the person moved into that house, the
6 reasons that the yard was laid out, and they had a
7 six-foot fence along the sidewalk, and then
8 regardless of what happened to the fence, and then
9 we didn't allow them to put the same fence back up
10 that they had, then yeah, that would -- I would
11 have a rough one with that one, if it's the same
12 homeowner.

13 I mean, if somebody came and just tore
14 the fence down and it wasn't an act of God and
15 they had no control over it, then yeah, that's
16 where I guess I would have an issue with ...

17 CHAIRMAN JARRETT: So I would have
18 to look because typically with nonconforming uses
19 there is also like a percentage of damage or
20 sometimes it's a dollar value -- percentage dollar
21 value. I don't know which it is in our code or if
22 we have either.

23 But I mean, repairing a fence is
24 different than putting up a new fence, replacing

1 an entire fence, conforming or nonconforming.

2 COMMISSIONER ROMANO: I guess we
3 need to break it down.

4 First of all, do we want to -- Is there
5 any consideration that the street facing fence
6 height be consistent?

7 Where would we lean on that? Are we
8 going to allow it?

9 If we want to say no more six-foot
10 fences at the street or the sidewalk line, is that
11 something we want to change or do we want to kind
12 of keep it as proposed here, where it can stay as
13 long as it's not abutting?

14 CHAIRMAN JARRETT: So I understand
15 the aesthetic and -- let's call it -- land use,
16 land rights, I guess, that you are looking at in
17 this lower right and why that would be proposed
18 and that makes perfect sense to me.

19 Because if you are the owner of the home
20 that's fronting the street that's the south edge
21 of the graphic and your neighbor is running a
22 six-foot fence all the way up to -- all the way up
23 to your front property line, and now standing in
24 your yard you can't see up the sidewalk, when if

1 your neighbor on the other side tried do it, they
2 wouldn't be able to.

3 So that's coming down to, it's a
4 distinction in the way the code is written and the
5 way lots adjoin. So I get that one and I am
6 perfectly fine with that one.

7 COMMISSIONER ROMANO: Correct.

8 CHAIRMAN JARRETT: Strongly in
9 favor of that one.

10 I am also generally in favor with what
11 Eric suggested for corner side yards that abut at
12 the rear property line personally, but I
13 understand everybody up here might not be, where
14 it would be a four-foot instead of six.

15 COMMISSIONER ROMANO: What does
16 everyone think of that?

17 CHAIRMAN JARRETT: I guess, I think
18 we know where Ken stands. There is not a
19 consensus. I mean, ken's consensus is he wants
20 people to do what they -- especially in the rear
21 yard; correct?

22 COMMISSIONER JACKSON: Yeah, if
23 someone wants -- If they want a privacy fence, I
24 don't know, that's my only thing, because I have

1 seen issues, you know.

2 Who up here said good fences make good
3 neighbors? Maybe you want a privacy fence when
4 you have something going on, who knows, but you
5 know, those are good to be one off cases too, you
6 know, if it's a side yard with a corner lot.

7 CHAIRMAN JARRETT: Yeah, we don't
8 have a ton of them.

9 COMMISSIONER JACKSON: We have to
10 figure out how it would work.

11 COMMISSIONER ROMANO: It wouldn't
12 necessarily prohibit it either. It just means you
13 have to set it back to your building line or
14 something like that. It just couldn't be on the
15 sidewalk.

16 CHAIRMAN JARRETT: So I am going to
17 put Ken in the six-foot camp.

18 How about you, Larry, in the situation
19 at the top of the page, where you have two corner
20 side yards abutting at the rear.

21 COMMISSIONER CALVERT: Uh huh.

22 CHAIRMAN JARRETT: Are you in the
23 four-foot camp or the six-foot camp, assuming that
24 we allow solid fences in backyards?

1 COMMISSIONER CALVERT: I would be
2 more in the four-foot side.

3 CHAIRMAN JARRETT: Mike?

4 COMMISSIONER ORLOWSKI: I'm a six.

5 COMMISSIONER HOFSTRA: I am a six.

6 CHAIRMAN JARRETT: I am in the four
7 foot.

8 You two down here?

9 COMMISSIONER LUEDTKE: Well, since
10 I brought it up I am not changing my mind. I am a
11 stubborn German.

12 CHAIRMAN JARRETT: You don't have
13 to be a tiebreaking vote. What's your sense?

14 COMMISSIONER ROMANO: What I said
15 before is I am more --

16 COMMISSIONER LUEDTKE: You are the
17 tiebreaker.

18 CHAIRMAN JARRETT: It's not a vote.

19 COMMISSIONER ROMANO: I would want
20 consistency, because if I am this guy, I am
21 aggravated that I can't have the same fence as
22 this guy. It makes no sense.

23 So if it's good for one it's good for
24 all, especially if they can go back to their house

1 line and still put their six-foot fence up if they
2 want to, it just can't abut the sidewalk.

3 So I would be -- I guess that makes me
4 -- I would be in the four-foot.

5 CHAIRMAN JARRETT: Okay. So you
6 are in the four-foot fence. So that answers that.

7 Now, so that kind of moves us into one
8 issue that's kind of a combination of height and
9 materials.

10 Our current code allows three-foot solid
11 fence in the front yard. Oddly enough so does
12 Elmhurst's.

13 I don't know if anyone has seen what a
14 three-foot solid fence looks like in the front
15 yard.

16 Do you have a picture of that house,
17 Stephanie?

18 MS. BARAJAS: I do have copies.

19 CHAIRMAN JARRETT: This is what a
20 three-foot solid fence looks like in a front yard.

21 MS. BARAJAS: It might be more from
22 the side-view. I don't know if you can make out
23 the three-foot in the front.

24 COMMISSIONER ROMANO: The far right

1 of the picture, where it dips down.

2 MS. BARAJAS: Yeah.

3 COMMISSIONER CALVERT: This fence
4 is how tall, Jason, three feet?

5 CHAIRMAN JARRETT: The short one,
6 yeah, it's three feet, but they have four-foot
7 posts.

8 COMMISSIONER CALVERT: Oh, okay,
9 when we get to the corner; okay.

10 CHAIRMAN JARRETT: Yeah, at the
11 corner.

12 COMMISSIONER CALVERT: I see. This
13 is in Villa Park?

14 CHAIRMAN JARRETT: Yeah, I won't
15 call it, out but yes, it is. I will tell you
16 after the hearing. It's at Wisconsin.

17 COMMISSIONER CALVERT: We don't
18 have anything in the code about the posts
19 apparently.

20 CHAIRMAN JARRETT: Actually we do.
21 It can't be more than I believe six inches taller
22 than the height of the fence. So we actually do
23 have something in the ordinance about that which
24 tells you that probably was not a permitted fence.

1 So I am of the strong opinion -- and
2 everybody could have their own opinion, weak or
3 strong, but I am of the strong opinion that solid
4 fences, three-foot or four-foot or six-foot, don't
5 belong in front yards, solid fence.

6 COMMISSIONER LUEDTKE: What about
7 corner side yards?

8 CHAIRMAN JARRETT: Solid fences?

9 COMMISSIONER HOFSTRA: How about
10 that?

11 CHAIRMAN JARRETT: A four-foot
12 fence on a corner side yard, I actually don't
13 really have a problem with that personally.

14 COMMISSIONER CALVERT: Say that
15 again, Jason?

16 CHAIRMAN JARRETT: A four-foot
17 solid fence on a side yard -- a corner side yard.

18 COMMISSIONER CALVERT: I would be
19 okay with that. I would agree, yes.

20 CHAIRMAN JARRETT: So on the solid
21 fence in front yard, regardless of height, is
22 there anybody that would be opposed to changing
23 that so --

24 COMMISSIONER ORLOWSKI: On a solid

1 fence?

2 CHAIRMAN JARRETT: Yeah.

3 COMMISSIONER ORLOWSKI: Not
4 allowed.

5 COMMISSIONER CALVERT: At any
6 height?

7 CHAIRMAN JARRETT: At any height in
8 front yards.

9 COMMISSIONER CALVERT: I am in.

10 COMMISSIONER LUEDTKE: I am good
11 with that.

12 CHAIRMAN JARRETT: Is anybody
13 opposed to that?

14 (No response.)

15 COMMISSIONER ORLOWSKI: Then let's
16 move on to the corner side.

17 MS. BARAJAS: I do have one comment
18 for the solid.

19 CHAIRMAN JARRETT: Uh huh.

20 MS. BARAJAS: When you are making
21 the distinction between solid in the front, you
22 would reduce from 75 to 50 percent. So we can
23 still include white picket fences, like that
24 style.

1 CHAIRMAN JARRETT: Yes.

2 Would we do that for generally the
3 definition of solid; is that what you are
4 recommending?

5 MS. BARAJAS: Uh huh.

6 CHAIRMAN JARRETT: Okay. I
7 think -- Yeah. Is there anybody who would be
8 opposed to allowing a four-foot solid fence in a
9 corner side yard?

10 Or what are your thoughts on that, I
11 guess, versus open fence?

12 COMMISSIONER ORLOWSKI: Corner side
13 I would rather go with the six-foot, just like the
14 guy --

15 CHAIRMAN JARRETT: Yeah, I guess
16 that's true.

17 But if you were given just a four-foot
18 fence you don't -- I guess if you are fine with a
19 six-foot solid fence, you are fine with a
20 four-foot solid fence.

21 COMMISSIONER LUEDTKE: Yeah. I
22 would think given the unique occurrence of that
23 sort of across the Village and if there was a
24 fence that happened to be positioned in the side

1 yard and they had one also coming around from the
2 front and then wrapping around to the side and
3 then obviously in the front we would have it open,
4 it would be an open fence, and then at some point
5 in time it could transition to a solid.

6 COMMISSIONER ORLOWSKI: Wouldn't
7 your -- your visibility triangle, we could use
8 that to take care of your --

9 COMMISSIONER LUEDTKE: That will
10 always come into play, yes, especially when you
11 have a solid fence at four feet.

12 COMMISSIONER ORLOWSKI: Right.
13 That would be your merge of the two different
14 fences.

15 COMMISSIONER LUEDTKE: Potentially,
16 yes.

17 CHAIRMAN JARRETT: I think the best
18 thing to do when we are done with this is to have
19 staff take this back, look it over, bring it back
20 to us, we will give them recommendations on what
21 we are thinking and how we are leaning.

22 Okay. Now that we are back to
23 materials:

24 Mesh fence, when I spoke to Mark he said

1 he was generally supportive of not permitting mesh
2 fences -- by mesh, you are primarily talking
3 chain-link -- but not permitting mesh fences in
4 front yards.

5 I didn't ask him his opinion beyond
6 that.

7 COMMISSIONER ORLOWSKI: I guess I
8 will throw the one out of a million:

9 I would allow the chain-link, mesh
10 fence, whatever you would like to call it, if they
11 were going to put bushes in their front yard; so
12 not have bushes and then another type of expensive
13 decorative fence behind the bushes.

14 So if they have dogs and they want to
15 keep the dogs in the yard but they are going to
16 put landscape around the whole front yard would we
17 require them to put a fancy open fence around the
18 bushes or would they be able to get away with
19 putting chain-link?

20 CHAIRMAN JARRETT: Again, I am not
21 following you.

22 COMMISSIONER ORLOWSKI: Because if
23 we are going to take chain-link out of the
24 equation but this person wants to put a four-foot

1 fence around their front yard.

2 CHAIRMAN JARRETT: Okay.

3 COMMISSIONER ORLOWSKI: But they
4 want to put bushes on the outside of the fence.

5 CHAIRMAN JARRETT: Okay.

6 COMMISSIONER ORLOWSKI: Do we make
7 them put chain-link or do we make them put
8 something other than that?

9 CHAIRMAN JARRETT: I would make
10 them put a pretty fence.

11 COMMISSIONER ROMANO: If we are
12 going to say no chain-link, it gets too
13 complicated if we say no chain-link except for
14 bushes and this aesthetic choice.

15 COMMISSIONER CALVERT: Bushes don't
16 last forever and somebody has to trim them and you
17 get into all of those other variables with that.

18 And why is your dog in the front yard
19 anyway? If it's a single-family home they have a
20 back yard.

21 CHAIRMAN JARRETT: My argument --

22 COMMISSIONER CALVERT: If it's a
23 one in a million, I don't think that's the answer
24 for the one in a million one.

1 COMMISSIONER ORLOWSKI: I guess
2 that's one of them that I know we have. We have
3 several of those in the Village.

4 CHAIRMAN JARRETT: Well, they can
5 keep it. I am not telling them they can't have it
6 if they already have it. We are trying to make
7 things look a little tidier.

8 There is a house on the prairie path.
9 It's a huge lot with a four-foot chain-link fence
10 all the way around the property line to the
11 corner, and it's aged, it's not a good look.

12 I don't know. So if it was a four-foot
13 ornamental fence would I find it less unappealing,
14 probably.

15 And I have a chain-link fence on my rear
16 line.

17 So are we generally supportive of not
18 having mesh fences in front yards; is that what I
19 am hearing?

20 COMMISSIONER LUEDTKE: I think we
21 are generally supportive of that.

22 CHAIRMAN JARRETT: Is anybody
23 opposed to that, other than Mike's one in a
24 million?

1 COMMISSIONER ORLOWSKI: No, I am
2 fine with it.

3 COMMISSIONER LUEDTKE: 1 in 7,000.

4 CHAIRMAN JARRETT: Then I guess
5 that raises the question about mesh fences in
6 corner side yards.

7 How do we feel about that?

8 That's where I personally start to get
9 to feel like we are reaching a bit but I
10 understand --

11 COMMISSIONER LUEDTKE: Ken --

12 CHAIRMAN JARRETT: -- Commissioner
13 Calvert's point about there's a lot of fences and
14 a lot of them probably are not any more expensive
15 than chain-link these days, given the price of
16 steel.

17 So how do people feel about that, in
18 either corner side scenario, I guess?

19 COMMISSIONER ROMANO: I mean, do we
20 want to take the stance in the Village of no
21 chain-link at all -- because I know that's kind of
22 been thrown around here -- or are we going to
23 allow choice of materials as long as it's just not
24 in the front?

1 I think that becomes really the
2 question.

3 COMMISSIONER ORLOWSKI: Get rid of
4 the chain-link, as long as you can have the
5 six-foot privacy on the bottom right.

6 COMMISSIONER JACKSON: I don't
7 know. You think about chain-link. You have
8 chain-link in the back of your property, Jason.

9 CHAIRMAN JARRETT: Yes, I do.

10 COMMISSIONER JACKSON: So you sell
11 your house and somebody moves in and they get a
12 dog and they want to finish off that chain-link
13 fence area to keep a dog in your backyard after
14 you move out, so are they going to put up a big
15 privacy fence or a wooden fence or something all
16 the way around the whole backyard and the side
17 yard there?

18 I think we can't ban something just
19 because a few of us don't like the aesthetics of
20 it, when it's commonly used in a lot of other
21 towns, villages and cities.

22 I mean, I can understand setting
23 something up for the front yard, we want to keep
24 things looking nice, I get that, the side yards,

1 if they a hit a street, I mean --

2 CHAIRMAN JARRETT: That's what I am
3 getting at. Personally I --

4 COMMISSIONER JACKSON: We have to
5 let them make their decision on what is best for
6 their situation.

7 I think if we ban chain-link altogether
8 that's a little overstepping any boundaries I
9 think that we should be as a Village for the
10 people that live there.

11 CHAIRMAN JARRETT: I personally
12 wouldn't be in favor of banning it everywhere. I
13 mean, I am thinking more street frontages and
14 whether --

15 COMMISSIONER JACKSON: I am down
16 with that, yeah.

17 COMMISSIONER ROMANO: Then it comes
18 back to that side yard, street frontage scenario
19 then.

20 CHAIRMAN JARRETT: Yeah.

21 COMMISSIONER JACKSON: I remember
22 looking at a house over on Cornell and it really
23 had no backyard. All it had was the front yard,
24 side yard, and the people that ended up buying it,

1 they put chain-link fence all the way around for
2 their animals and there really is no backyard,
3 just a side yard and a front yard and it's a nice
4 chain-link looking fence, you know, but it is
5 newish.

6 So I think that would have been harsh to
7 make them put up, you know, a different kind of
8 fence.

9 CHAIRMAN JARRETT: How do you feel
10 about that, Larry?

11 I think I have an idea but I want to
12 hear you.

13 COMMISSIONER CALVERT: You know, I
14 mean, I said it earlier. I think there's a lot of
15 fencing options you can explore now besides
16 chain-link.

17 And on those side yards I would like to
18 see the chain-link go away from there.

19 I get it, there is a lot of these
20 existing in the Village already, but when you buy
21 a house, and it's on the corner lot, there's pros
22 and cons to that. Those are things you need to
23 think through before you buy the house, I think.

24 And knowing full well your side yard or

1 your backyard -- essentially your side yard -- is
2 visible to passersby.

3 CHAIRMAN JARRETT: Okay.

4 COMMISSIONER CALVERT: So I am in
5 favor of the four-foot, more of a decorative
6 fence, and moving away from chain-link that is in
7 the front yard and visible side yards.

8 CHAIRMAN JARRETT: Okay. How about
9 you on the corner side yards, Mike? Are you in
10 the chain-link camp or the ornamental fence camp?

11 COMMISSIONER ORLOWSKI: Ornamental.

12 CHAIRMAN JARRETT: Okay.

13 COMMISSIONER ORLOWSKI: But I would
14 still give them the option on that corner side
15 yard, if they wanted to do a six-foot privacy
16 fence.

17 CHAIRMAN JARRETT: Got you.

18 How are you feeling on that?

19 COMMISSIONER HOFSTRA: I don't like
20 chain-link fence anywhere.

21 CHAIRMAN JARRETT: Okay.

22 COMMISSIONER HOFSTRA: I never was
23 fan of it.

24 CHAIRMAN JARRETT: Okay. That's an

1 easy one.

2 Eric?

3 COMMISSIONER LUEDTKE: I would be
4 in that camp as well.

5 COMMISSIONER ROMANO: I think it's
6 onerous on them.

7 CHAIRMAN JARRETT: I think
8 prohibiting it everywhere is onerous. But I think
9 street fronting is a different beast.

10 COMMISSIONER ROMANO: I would take
11 that approach too.

12 CHAIRMAN JARRETT: All right. So
13 then I think that gets to all the nitty gritty on
14 the fences.

15 Before I communicate to Stephanie what I
16 think we want or at least want staff to look at,
17 does anybody else have any comments basically on
18 this heights table and materials table?

19 COMMISSIONER ORLOWSKI: What
20 scenario would we do if we had a -- I guess you
21 would call it a corner side yard adjacent to a
22 parking lot?

23 I am going to use Ardmore School as an
24 example because Ardmore School did their

1 renovations:

2 The gentleman that would be in this
3 front corner side yard to the parking lot had a
4 privacy fence and then when District 45 did their
5 new fence they put up a six-foot chain-link fence
6 and he requested that they replace the six-foot
7 privacy fence because now when he goes in the
8 backyard all he sees are all these cars parked in
9 his yard.

10 CHAIRMAN JARRETT: Well, what I
11 would say about that is our code treats schools
12 differently and that may not be appropriate but it
13 does.

14 And that's one of the things that if you
15 flip back to exemptions:

16 Open Mesh Type Fences enclosing school
17 sites, park and recreation uses or
18 utility and public uses are exempt from
19 the fence regulations of this section.

20 COMMISSIONER JACKSON: So we are
21 going to force it on everybody that's a citizen
22 that owns their own house but we are going to let
23 the government run free and put up chain-link
24 fences eight, ten, fifteen feet?

1 I am exaggerating a little bit. I don't
2 know. That's why I am against -- I think we all
3 get our own choice, freedom of choice.

4 But I am down with the front yards. We
5 want everything to look aesthetically pleasing.
6 Chain-link fences in the front yard, you know,
7 aren't really that attractive.

8 CHAIRMAN JARRETT: I would have to
9 look at that situation but that's a situation
10 where the Village probably should have required
11 them to put up a screen fence.

12 COMMISSIONER ROMANO: Yeah.

13 CHAIRMAN JARRETT: Adjacent to a
14 parking lot, I don't know what our code requires,
15 if it's different with the school.

16 So I think, Stephanie, what I am hearing
17 up here is that we want to look at the idea of
18 four-foot fences in all corner side yards, no mesh
19 fences in front and corner side yards, and
20 elimination of solid fences in front yards as
21 well.

22 Am I missing anything?

23 MS. BARAJAS: I think one thing
24 would be defining chain-link versus open.

1 CHAIRMAN JARRETT: Yes. So that
2 would be a definition that would need to be added.

3 MS. BARAJAS: Uh huh.

4 CHAIRMAN JARRETT: I know Mark said
5 he could craft a definition. I don't know if he
6 is in the state to craft definitions right now
7 but...

8 And then the other change that you
9 mentioned, Stephanie, was potentially changing the
10 definition of open to 50 percent rather than
11 75 percent because that would allow for a more
12 picket-type fence.

13 How do we feel about that?

14 COMMISSIONER LUEDTKE: I am okay
15 with that.

16 COMMISSIONER HOFSTRA: I'm okay.

17 COMMISSIONER CALVERT: I'm okay
18 with that.

19 CHAIRMAN JARRETT: Okay. There is
20 actually a very nice one on Ardmore.

21 I guess, Stephanie, do you have any
22 questions about all of that or does that all make
23 sense to you?

24 MS. BARAJAS: Yes, that all did

1 make sense.

2 CHAIRMAN JARRETT: What I would say
3 is, you know, take a look at that, and if there is
4 anything that you guys think is problematic, let
5 us know, and we can bring it back and discuss --
6 you know.

7 Would you prefer we continue this and
8 then you guys can put that together and we can do
9 it all and approve it at the next meeting?

10 MS. BARAJAS: We can do that or we
11 can do like a motion, pass it through the Village
12 Board. I think we would do the updates and talk
13 to you before it goes to Village Board.

14 CHAIRMAN JARRETT: Okay. Let's see
15 what else we have here real quick.

16 So we are replacing graphics, no issues
17 with that.

18 Crafting definitions of lot types.

19 The change to the site triangles, that's
20 all straight forward.

21 Nobody has any issues with that or any
22 changes to the definitions?

23 It all seems pretty forward.

24 COMMISSIONER ROMANO: Yes.

1 CHAIRMAN JARRETT: I guess where
2 that leaves us is we have two options:

3 We can continue this and have staff
4 bring it back to us and make a final vote in a
5 month, or as Stephanie suggested, we can pass the
6 recommendations tonight and --

7 COMMISSIONER LUEDTKE: Our
8 recommendations?

9 CHAIRMAN JARRETT: Our
10 recommendations, yeah, we will be recommending the
11 changes we proposed.

12 As much as I want to do that for
13 expediency, I wonder if it makes sense to have it
14 come back.

15 COMMISSIONER ORLOWSKI: I would
16 continue it.

17 COMMISSIONER ROMANO: We really
18 only need to review that one condition of the
19 fence, so the rest of that is good as it stands;
20 right?

21 COMMISSIONER ORLOWSKI: I would do
22 a continuance. Just have them put it all in
23 writing, get the definition.

24 CHAIRMAN JARRETT: That way there

1 is -- Right.

2 COMMISSIONER ORLOWSKI: That way,
3 if there is something we have overlooked, we don't
4 have to open it back up.

5 CHAIRMAN JARRETT: Okay. As much
6 as I don't want to talk about fences again, I do
7 think that's probably the best idea, just so we
8 know we are all on the same page, we are getting
9 exactly what we expect, and then we can pass it to
10 the Village Board knowing that.

11 So our next meeting is June 8.

12 COMMISSIONER LUEDTKE: May.

13 CHAIRMAN JARRETT: May; right.

14 COMMISSIONER ORLOWSKI: You are
15 skipping a month here.

16 CHAIRMAN JARRETT: I'm trying, I'm
17 trying. I think speaking for Eric here too,
18 there's a lot going on in the next month.

19 COMMISSIONER HOFSTRA: I think the
20 first is a Monday; correct?

21 CHAIRMAN JARRETT: Yeah, the next
22 meeting would be May 11.

23 So is there a motion to continue
24 PZ-23-001 to a date certain of May 11?

1 COMMISSIONER LUEDTKE: I will make
2 that motion.

3 CHAIRMAN JARRETT: Is there a
4 second?

5 COMMISSIONER HOFSTRA: Second.

6 CHAIRMAN JARRETT: All in favor?

7 ALL PRESENT: Aye.

8 CHAIRMAN JARRETT: Any opposed?
9 (No response.)

10 CHAIRMAN JARRETT: All right. So
11 that is continued to the next meeting.

12 (Proceedings concluded at
13 8:44 p.m.)

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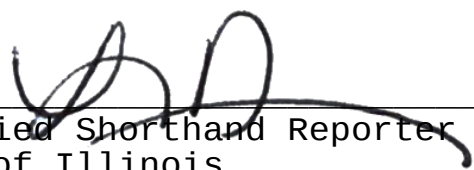
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4 proceedings were reported stenographically by me,
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8 That I am not a relative or employee or
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11 hereto, nor interested directly or indirectly in
12 the outcome of this action.

13 IN WITNESS WHEREOF, I do hereunto set my
14 verified digital signature at Chicago, Illinois,
15 this 2nd day of May, 2023.

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IN RE THE MATTER OF:

COMMISSION DISCUSSION

7:30 P.M.

REPORT OF PROCEEDINGS had before the
VILLAGE OF VILLA PARK PLANNING & ZONING
COMMISSION, held at the Villa Park Village Hall,
20 South Ardmore Avenue, Villa Park, Illinois,
commencing at 8:45 o'clock p.m., on Thursday, the
13th day of April, 2023.

APPEARANCES: MR. JASON JARRETT, Chairman
MR. DOMINICK ROMANO, Commissioner
MR. KENNETH JACKSON, Commissioner
MR. ERIC LUEDTKE, Commissioner
MR. LARRY CALVERT, Commissioner
MR. MICHAEL ORLOWSKI, Commissioner
MR. EDWARD HOFSTRA, Commissioner

ALSO PRESENT: MR. NICK CUZZONE, Villa Park President
MS. PAT BOKSHA, Office Coordinator.
MS. STEPHANIE BARAJAS, Planner

REPORTED BY LYN DOERING, CSR.

1 CHAIRMAN JARRETT: And then any
2 other business from anything you want to bring to
3 our attention, Stephanie, or President Cuzzone,
4 either one?

5 PRESIDENT CUZZONE: No, we are
6 good.

7 CHAIRMAN JARRETT: The one small
8 item of business is that, if anyone missed it, the
9 petition that was before us last week was not
10 approved by the Village Board for the religious
11 assembly and the museum and cultural use on
12 Madison.

13 COMMISSIONER CALVERT: Both of them
14 were?

15 CHAIRMAN JARRETT: Yes, unanimously
16 not passed.

17 Anybody else have anything they want to
18 add or should we get out of here?

19 COMMISSIONER ORLOWSKI: For the
20 next meeting could we get some updates on the
21 projects going on in town, not in reference to any
22 of the streets or anything, but some of the other
23 projects, as far as where we stand on those?

24 MS. BARAJAS: Okay.

1 COMMISSIONER ORLOWSKI: Some of it
2 is, I guess, just to let the public watching the
3 meetings know, so they will have an idea what's
4 going on, because there's not a lot of -- I guess
5 I should say -- not a lot of Village comments
6 going out to the public. So maybe we can get
7 something.

8 CHAIRMAN JARRETT: Any particular
9 projects you would like to know more about, Mike?

10 COMMISSIONER ORLOWSKI: Our three
11 major ones -- actually the two major ones; the one
12 on Villa and the one on Ardmore.

13 I think the one on Villa, that is kind
14 of on hold until we get the TIF done.

15 PRESIDENT CUZZONE: The RDA.

16 COMMISSIONER ORLOWSKI: The RDA.

17 CHAIRMAN JARRETT: All right.

18 Anybody else have anything they want to add or
19 ask?

20 COMMISSIONER ROMANO: President
21 Cuzzone, was the Lufkin, the tree, all those
22 willows down, was that for the new plan or was
23 there something wrong that -- with the trees or
24 something?

1 PRESIDENT CUZZONE: The trees
2 coming down were part of the Lufkin Pond
3 expansion, the drainage basin there, which is the
4 final step of that whole project.

5 We were -- The county -- Since the
6 county has a lot of money involved and they are
7 kind of driving that project, they asked us to cut
8 the trees down now because there is some -- I
9 forgot exactly what type of bat it is -- but there
10 is a bat that mates in those trees.

11 So they wanted the trees down before the
12 mating season started, so that's why they came
13 down early, but they had to come down anyway for
14 the expansion.

15 COMMISSIONER ROMANO: Okay. I knew
16 there was the whole plan where the pond is getting
17 --

18 PRESIDENT CUZZONE: It's going to
19 be expanded; correct, as part of the redevelopment
20 there of the Lufkin Park, the splash pad and the
21 walking path and there will be a pier that's going
22 to be going in for the pond there too.

23 CHAIRMAN JARRETT: I think there
24 are more native plantings and things like that

1 proposed too.

2 And like President Cuzzone said, it's a
3 bat, it's an endangered bat. It's a huge window
4 where you can't cut the trees down. It
5 basically -- yeah -- it's something like a four or
6 five month span between like early winter and very
7 early spring when you can cut down certain types
8 of trees.

9 COMMISSIONER ROMANO: It's good to
10 know.

11 I have a lot of people asking me, I'm
12 like, I don't know.

13 PRESIDENT CUZZONE: No problem.

14 Anything else? Any other questions?

15 COMMISSIONER ORLOWSKI: How about
16 all the trees by Lions Park?

17 PRESIDENT CUZZONE: It's part of
18 the Rec Center. That project should be going this
19 summer or late fall, the beginning of that
20 construction.

21 CHAIRMAN JARRETT: Anyone else got
22 anything?

23 All right. Motion to adjourn?

24 COMMISSIONER ORLOWSKI: So be.

1 CHAIRMAN JARRETT: Second?
2 COMMISSIONER HOFSTRA: Second.
3 CHAIRMAN JARRETT: All in favor?
4 ALL PRESENT: Aye.
5 CHAIRMAN JARRETT: We are
6 adjourned.

7 (Proceedings adjourned at
8 8:50 p.m.)

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1 I, LYN DOERING, Certified Shorthand
2 Reporter and Notary Public in and for the State of
3 Illinois do hereby certify that the foregoing
4 proceedings were reported stenographically by me,
5 was thereafter reduced to a printed transcript by
6 me, and constitutes a true record of the testimony
7 given and the proceedings had;

8 That I am not a relative or employee or
9 attorney or counsel, nor a relative or employee of
10 such attorney or counsel for any of the parties
11 hereto, nor interested directly or indirectly in
12 the outcome of this action.

13 IN WITNESS WHEREOF, I do hereunto set my
14 verified digital signature at Chicago, Illinois,
15 this 2nd day of May, 2023.

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Certified Shorthand Reporter
State of Illinois
CSR License No. 084-003037

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B	F	M
BARAJAS 2:24 basically 5:5 basin 4:3 bat 4:9,10 5:3 beginning 5:19 Board 2:10 bring 2:2 business 2:2,8	fall 5:19 favor 6:3 final 4:4 forgot 4:9	Madison 2:12 major 3:11 mates 4:10 mating 4:12 meeting 2:20 meetings 3:3 Mike 3:9 missed 2:8 money 4:6 month 5:6 Motion 5:23 museum 2:11
C	G	N
CALVERT 2:13 Center 5:18 CHAIRMAN 2:1,7,15 3:8,17 4:23 5:21 6:1,3,5 comments 3:5 COMMISSIONER 2:13,19 3:1,10,16,20 4:15 5:9,15,24 6:2 construction 5:20 correct 4:19 county 4:5,6 cultural 2:11 cut 4:7 5:4,7 Cuzzone 2:3,5 3:15,21 4:1,18 5:2,13,17	good 2:6 5:9 guess 3:2,4	native 4:24
	H	O
	HOFSTRA 6:2 hold 3:14 huge 5:3	ORLOWSKI 2:19 3:1,10,16 5:15,24
	I	P
	idea 3:3 involved 4:6 item 2:8	p.m. 6:8 pad 4:20 Park 4:20 5:16 part 4:2,19 5:17
	J	
	JARRETT 2:1,7,15 3:8,17 4:23 5:21 6:1,3,5	

passed 2:16 path 4:21 people 5:11 petition 2:9 pier 4:21 plan 3:22 4:16 plantings 4:24 pond 4:2,16,22 PRESENT 6:4 President 2:3,5 3:15,20 4:1,18 5:2,13,17 problem 5:13 proceedings 6:7 project 4:4,7 5:18 projects 2:21,23 3:9 proposed 5:1 public 3:2,6 Q questions 5:14 R RDA 3:15,16 Rec 5:18 redevelopment 4:19 reference 2:21 religious 2:10 ROMANO 3:20 4:15 5:9 S season 4:12 small 2:7 span 5:6 splash 4:20 spring 5:7 stand 2:23 started 4:12 step 4:4 Stephanie 2:3	streets 2:22 summer 5:19 T things 4:24 TIF 3:14 town 2:21 tree 3:21 trees 3:23 4:1,8,10,11 5:4,8,16 type 4:9 types 5:7 U unanimously 2:15 updates 2:20 V Villa 3:12,13 Village 2:10 3:5 W walking 4:21 wanted 4:11 watching 3:2 week 2:9 willows 3:22 window 5:3 winter 5:6 wrong 3:23	
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Planning and Zoning Commission Agenda Item Report

Meeting Date: May 11, 2023

Submitted by: Pat Boksha

Submitting Department: Planning and Zoning Commission

Item Type: Business (Commission Only)

Agenda Section: Public Hearing - New Business

Subject:

Continuation of PZ-23-001 / Zoning Ordinance Text Amendments / Consider Text Amendments to Appendix C - Basic Zoning Ordinance to remove conflicts, clarify certain language, and follow best practice for Article 7 - Parking / Article 9 - Site Design and Performance Standards / Article 13 - Measurements and Definitions / Petitioner, Village of Villa Park.

Suggested Action:

Attachments:

[Exhibit A - Proposed Amendments 2.pdf](#)

[Proposed Amendments 2 - REDLINE.pdf](#)

[PZ-23-001 Staff Memo 2 - Zoning Ordinance Text Amendments.pdf](#)

Sec. 7.10. - ACCESSIBLE PARKING

7.10.1. The number, location, and design of accessible parking spaces must be provided in accordance with the Illinois Accessibility Code.

Sec. 9.2. - FENCES

9.2.1. - General

A. Applicability

The fence regulations of this section apply to all fences unless otherwise expressly stated.

B. Exemptions

Mesh fences enclosing school sites, park and recreation uses, or utility and public service uses are exempt from the fence regulations of this section. Mesh fences in M zoning districts are exempt from Section 9.2.2, Allowed Fence Heights and Locations, but shall not exceed eight (8) feet in height.

C. Permits Required

A fence permit is required from the Community Development Department before the construction or erection of any fence or required screening.

D. Installation

The finished side of all fences (i.e., the side of the fence without posts or visual structural support elements) must face outward, toward the abutting lot or right-of-way.

E. Fences in Easements

Fences may be constructed in utility easements and easements granted to the Village if the property owner acknowledges in a form approved by the Village Attorney that the Village and its agents have the right to remove the fence at any time in order to repair, maintain or inspect the easement. The Village is authorized to remove fences in easements without notifying the property owner, but the Village must attempt to provide advance notice to the property owner if practical. The property owner is solely responsible for all expenses for repair, replacement, or damage to the fence within the easement as a result of either the fence removal or the repair, maintenance or inspection of improvements. The Village has no liability whatsoever in connection with fences placed in easements. No fence permit may be issued if construction of the proposed fence will create an obstruction to the natural flow of water within any drainage easement.

F. Barbed Wire

No fence may contain any barbed wire or be designed, constructed, or installed to cause injury to any person, except in M zoning districts or as approved through the special use process in all other districts. Barbed wire may be installed in M zoning districts, provided that the lowest portion is at least eight (8) feet above grade. The barbed wire regulations of this paragraph do not apply to village-owned property.

9.2.2. - Allowed Fence Heights and Locations

Maximum allowed fence heights depend on the type of fence and its location, as indicated in Table 9-1.

Table 9.1 Allowed Fence Heights and Locations

Yard Type Fence Type	Maximum Fence Height (feet) [1]			
	Interior Lots	Corner Lots	Double Frontage Lots	Corner Double Frontage Lots
Front				
Solid Fence	-	-	-	-
Open Fence	4	4	4 [2]	4 [2]
Mesh Fence	-	-	-	-
Corner Side, Abutting a Front Yard				
Solid Fence	-	4	-	4
Open Fence	-	4	-	4
Mesh Fence	-	-	-	-
Corner Side, Not Abutting a Front Yard				
Solid Fence	-	6	-	6
Open Fence	-	6	-	6
Mesh Fence	-	-	-	-
Interior Side				
Solid, Open, or Mesh Fence	6	6	6	6
Rear				
Solid, Open, or Mesh Fence	6	6	6	6

[1] Fence posts and ornamental post caps may extend above the maximum fence height by up to 6 inches.

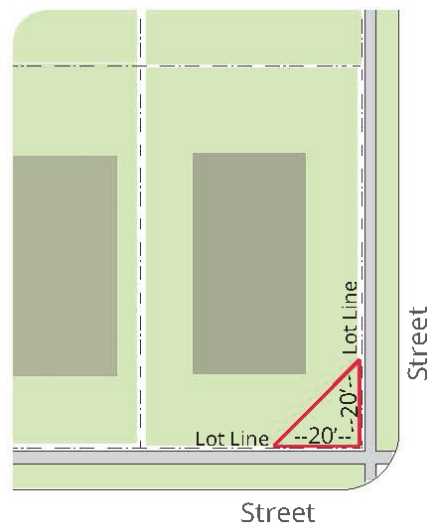
[2] Fences up to 6 feet in height area allowed in yards abutting IL Route 83, between E Park Boulevard and E Madison Street.

Sec. 9.3. - VISIBILITY TRIANGLES

9.3.1. - Intersections

On corner lots in all zoning districts, except C-1, C-2, MX-1, MX-2, MX-3, MX-T, MX-R1, and MX-R2, nothing may be erected, placed, planted, or allowed to grow between a height of three (3) feet and ten (10) feet above grade within the required intersection visibility triangle, which is formed by two (2) lines that begin at the point of intersection of the subject lot's street lot lines and extend for a distance of twenty (20) feet along each street lot line and a third connecting line that forms the triangle (see Figure 9-5). In the C-1, C-2, MX-1, MX-2, and MX-3, MX-T, MX-R1, and MX-R2 districts, the determination of whether a visibility triangle is required shall be reviewed by the village engineer and determined by the director of community development.

Figure 9-5. Intersection Visibility Triangle



9.3.2. - Driveways

Solid fences and other visual obstructions exceeding three (3) feet in height are prohibited within driveway visibility triangles. Driveway visibility triangles are required along both sides of driveways. The triangles are formed as follows:

- A. One side of the triangle extends from the intersection of the property line and the driveway edge for a distance of ten (10) feet along the lot line away from the driveway.
- B. The second side of the triangle extends from the intersection of the property line and the driveway edge for a distance of ten (10) feet inward from the lot line along the driveway edge.
- C. The third side of the triangle connects the other two (2) sides (see Figure 9-6).

The diagram illustrates a residential lot layout. A driveway is shown on the left side of the lot. A 10-foot setback is indicated by a dashed line and a red triangle. The lot is bordered by a street on the right side. The lot is divided into two main sections: a smaller rectangular area on the left and a larger rectangular area on the right. The smaller area is shaded in a darker green, while the larger area is shaded in a lighter green. The street is labeled "Street" at the bottom right.

14.2.10. - Words and Terms Beginning with "F"

A. **Fair:** An event for the exhibition and promotion of activities in the fields of agriculture, industry, labor, education and such other areas of activities as may be of interest to the public.

B. **Fence:** A freestanding structure of metal, masonry, composition or wood or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement or screening. Any plantings, shrubbery, hedges or other vegetation, whether used individually or in combination with a freestanding structure of metal, masonry, composition or wood, that is installed to provide an effective visual barrier constitutes a "fence" under this ordinance if it is more than four (4) feet in length. Decorative lattice is not intended to be used as a fence.

C. **Fence, Mesh:** Any fence made of woven material with a gauge of 9 or thicker resulting in a diamond pattern, excluding Fence, Open and Fence, Solid. Commonly referred to as chain-link.

D. **Fence, Open:** Any fence that when viewed from an angle of ninety (90) degrees, is at least fifty (50) percent open, excluding Fence, Mesh.

Example:



E. **Fence, Solid:** Any fence that when viewed from an angle of ninety (90) degrees, is less than fifty (50) percent open, excluding Fence, Mesh.

Example:



F. **Fest or festival:** An event that includes some or all of the following: amusement rides; carnivals circuses; fairs; parades; display and sale of arts, crafts, merchandise, food, or (alcoholic or nonalcoholic) beverages.

G. **Flood base elevation:** That elevation of the highest flood of record, determined by the village engineer's record of the elevations of the highest flood at locations as indicated on the zoning map. Flood base elevations at intermediate locations must be interpolated along the watercourse between the two (2) nearest base elevations, one upstream and downstream. The controlling flood base elevation for any building site is the same as the flood base elevation at the nearest point of the watercourse, as measured on a line perpendicular to the direction of the watercourse.

H. **Floodplain:** That continuous land area adjacent to a watercourse, whose elevation is equal to or below the flood base elevation, including any land that is surrounded on more than one-half its perimeter by land having an elevation equal to or lower than the flood base elevation.

I. **Flood reservoir:** A ponding area created for the purpose of impounding floodwaters and alleviating any flood damage that might result from human-made fills.

J. **Foot-candle:** A measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

K. **Foundation area:** The ground area immediately adjacent to a building on all sides. Foundation areas extend a minimum of five (5) feet in all directions from the foundation of the building.

14.2.15. - Words and Terms Beginning with "L"

A. **Landscape architect:** A person who, based on education, experience, or both in the field of landscape architecture, is eligible to register and has obtained a certificate to practice landscape architecture under 225 ILCS 15/1.

B. **Landscape area, perimeter:** An area around the perimeter of a property not facing a public street. The perimeter landscape area extends from the property line to the nearest building face, parking area, or access drive, exclusive of the foundation area and the interior parkway.

C. **Lawfully Established:** A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning code regulations in effect at the time of its establishment.

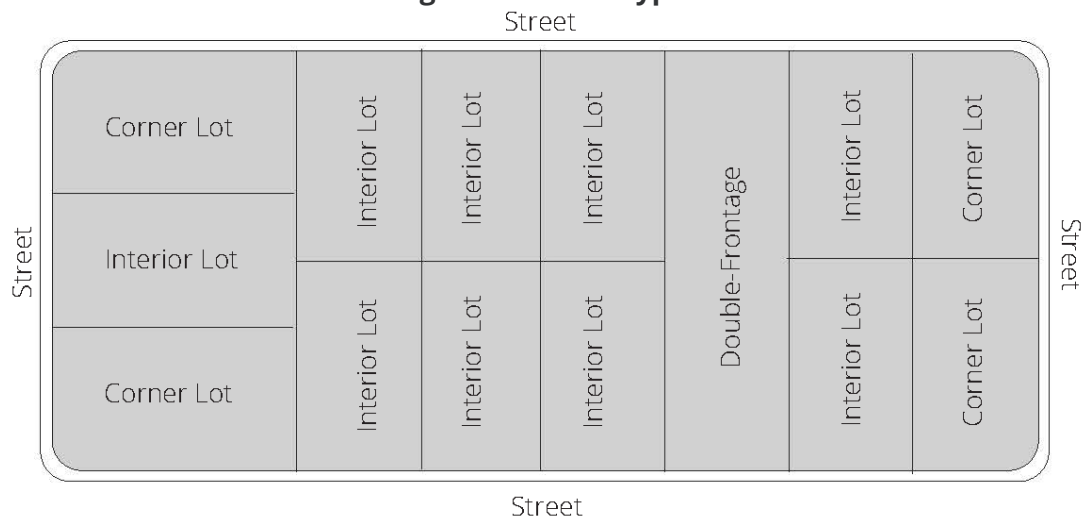
D. **Lot:** A parcel of land that is designated by its owner or developer, at the time of applying for a building permit or other form of development approval required under this ordinance, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. So long as it satisfies the above requirements, such lot may consist of:

1. A single lot of record; or
2. A combination of contiguous complete lots of record.

E. **Lot, corner:** A lot located at the intersection of two (2) streets or a lot bounded on 2 sides by a curving street two (2) chords of which form an angle of 120 degrees or less measured on the lot side.

F. **Lot, double-frontage:** A lot having frontage on two (2) parallel or non-intersecting streets, as distinguished from a corner lot.

Figure 14-6. Lot Types



G. **Lot, Interior:** Any lot that is not a corner lot.

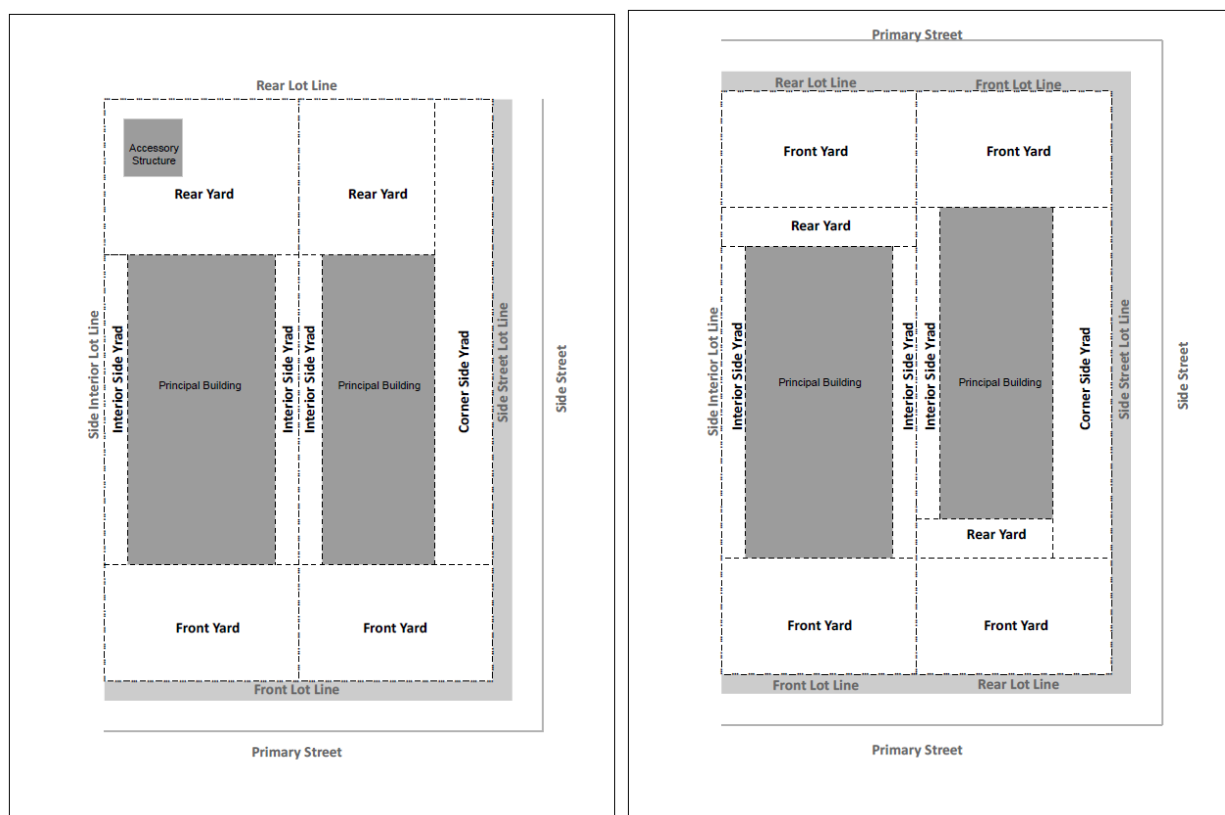
H. **Lot line:** The property boundary line of a lot.

- I. **Lot line, front (street):** A street lot line forming the boundary of an interior lot or the shorter street lot line on a corner lot.
- J. **Lot line, rear:** The lot line that is most distant from, and is, or is most nearly, parallel to the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line is an imaginary line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line.
- K. **Lot line, side (interior):** A lot line that is neither a street lot line nor a rear lot line.
- L. **Lot line, side (street):** A street lot line forming the longer boundary on a corner lot.
- M. **Lot line, street:** Any lot line that abuts a street, including front (street) lot lines and side (street) lot lines.
- N. **Lot of record:** A lot that is part of a real estate subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds, pursuant to statute

14.2.28. - Words and Terms Beginning with "Y"

- A. **Yard:** An actual open, unoccupied space that exists on a lot between a building and a respective lot line.
- B. **Yard, Corner Side:** A yard extending along a side street lot line between the front yard and the rear lot line.
- C. **Yard, Front:** A yard extending along the full length of the front lot line between the side lot lines.
- D. **Yard, Interior Side:** A yard extending along a side lot line between the front yard and the rear yard.
- E. **Yard, Rear:** A yard extending along the rear lot line between the interior side lot lines on an interior lot, and between the side lot line and the corner side yard on a corner lot, excluding any front yards.
- F. **Yard, Street:** Any yard abutting a street.

Figure 14-7. Yard Types



Sec. 7.10. - ACCESSIBLE PARKING

7.10.1. The number, location, and design of accessible parking spaces for persons with disabilities must be provided in accordance with this section and the Illinois Accessibility Code.

7.10.2. Accessible spaces must be provided in accordance with the Table 7-5.

Table 7-5: Accessible Parking Spaces

Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000
Medical facilities specializing in treatment of persons with mobility impairments	20% of total
Outpatient medical facilities	10% of total

~~7.10.3. Accessible parking spaces count towards the satisfying minimum off-street parking requirements.~~

~~7.10.4. Each accessible parking space, except on-street spaces, must be at least sixteen (16) feet in width, with either an eight-foot or five-foot wide diagonally striped access aisle. The access aisle may be located on either side of the vehicle portion of the accessible space. Abutting accessible parking spaces may not share a common access aisle.~~

~~7.10.5. Accessible parking spaces must be posted with signs in accordance with applicable state law. Signs must identify the current fine amount for violations. The sign must be fabricated to be two (2) separate panels; one for the disability symbol and one for the current fine amount as established by village board. Accessible parking spaces must also be painted with the standard ADA white symbol on blue background.~~

~~7.10.6. Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.~~

~~7.10.7. The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.~~

Sec. 9.2. - FENCES

9.2.1. - General

A. Applicability

The fence regulations of this section apply to all fences unless otherwise expressly stated.

B. Exemptions

~~Open-mesh-type~~ fences enclosing school sites, park and recreation uses, ~~or utility and public service uses or industrial uses~~ are exempt from the fence regulations of this section. Mesh fences in M zoning districts are exempt from Section 9.2.2, Allowed Fence Heights and Locations, but shall not exceed eight (8) feet in height.

C. Permits Required

A fence permit is required from the community development department before the construction or erection of any fence or required screening.

D. Installation

The finished side of all fences (i.e., the side of the fence without posts or visual structural support elements) must face outward, toward the abutting lot or right-of-way.

E. Fences in Easements

Fences may be constructed in utility easements and easements granted to the village if the property owner acknowledges in a form approved by the village attorney that the village and its agents have the right to remove the fence at any time in order to repair, maintain or inspect the easement. The village is authorized to remove fences in easements without notifying the property owner, but the village must attempt to provide advance notice to the property owner if practical. The property owner is solely responsible for all expenses for repair, replacement, or damage to the fence within the easement as a result of either the fence removal or the repair, maintenance or inspection of improvements. The village has no liability whatsoever in connection with fences placed in easements. No fence permit may be issued if construction of the proposed fence will create an obstruction to the natural flow of water within any drainage easement.

F. Barbed Wire

No fence may contain any barbed wire or be designed, constructed, or installed to cause injury to any person, except in industrial-M zoning districts or as approved through the special use process in all other districts. Barbed wire may be installed in M zoning districts, provided that the lowest portion is at least eight (8) feet above grade. The barbed wire regulations of this paragraph do not apply to village-owned property.

9.2.2. - Allowed Fence Heights and Locations

Maximum allowed fence heights depend on the type of fence and its location, as indicated in Table 9-1.

Table 9.1 Allowed Fence Heights and Locations

Yard Type Fence Type	Maximum Fence Height (feet) [1]			
	Interior Lots	Corner Lots	Through Double Frontage Lots	Corner Through Double Frontage Lots
Front				
Solid Fence	3	3	3	3
Open Fence	4	4	4 [2]	4 [2]
Mesh Fence	-	-	-	-
Exterior Corner Side, Abutting a Front Yard				
Solid or Open Fence	-	6-4 (see 9.3.2)	-	6-4 (see 9.3.2)
Open Fence	-	4	-	4
Open Fence Mesh Fence	-	4	-	4
Corner Side, Not Abutting a Front Yard				
Solid Fence	-	6	-	6
Solid or Open Fence	-	6	-	6
Mesh Fence	-	-	-	-
Interior Side [3]				
Solid or Open or Mesh Fence	6	6	6	6
Rear				
Solid or Open or Mesh Fence	6	6	6	6

[1] Fence posts and ornamental post caps may extend above the maximum fence height by up to 6 inches.
[2] Fences up to 6 feet in height area allowed in yards abutting IL Route 83, between E Park Boulevard Avenue and E Madison Street Ave.
[3] Fences in interior side yards may not extend closer to any street than the front of the principal structure

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Figure 9-1. Interior Lot

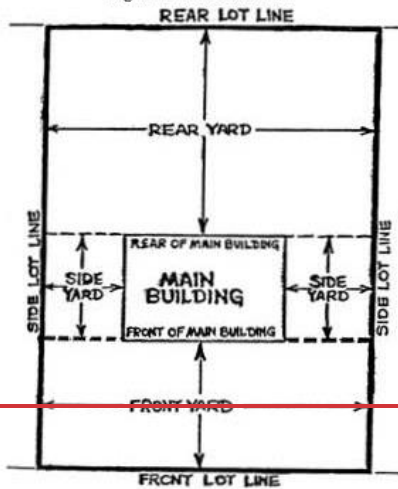


Figure 9-2. Corner Lot



Figure 9-3. Interior Through Lot

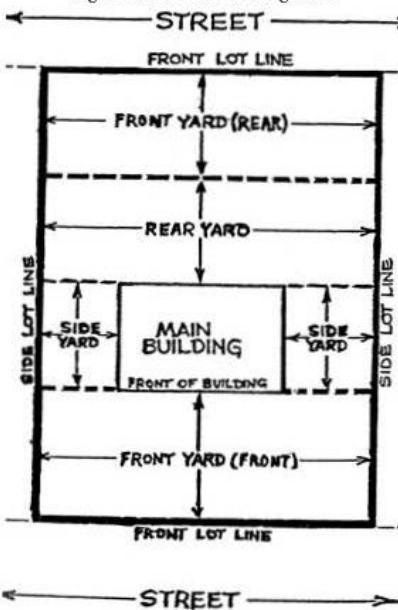
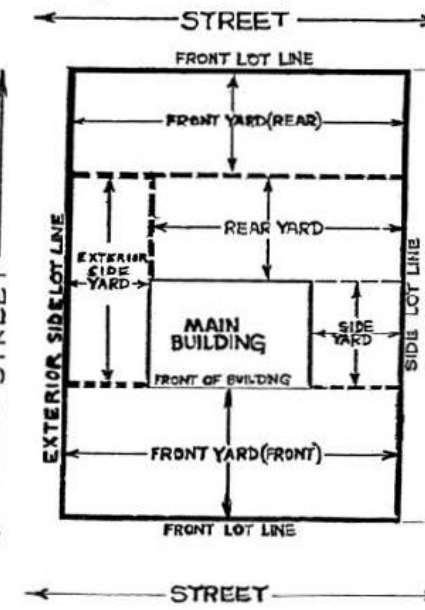


Figure 9-4. Corner Through Lot

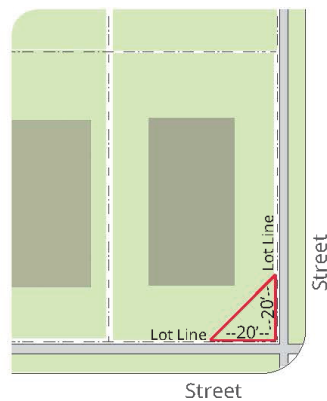


Sec. 9.3. - VISIBILITY TRIANGLES

9.3.1. - Intersections

On corner lots in all zoning districts, except C-1, C-2, MX-1, MX-2, MX-3, MX-T, MX-R1, and MX-R2, nothing may be erected, placed, planted, or allowed to grow between a height of three (3) feet and ten (10) feet above grade within the required intersection visibility triangle, which is formed by two (2) lines that begin at the point of intersection of the subject lot's street lot lines and extend for a distance of twenty (20) feet along each street lot line and a third connecting line that forms the triangle (see Figure 9-5). In the C-1, C-2, MX-1, MX-2, and MX-3, MX-T, MX-R1, and MX-R2 districts, the determination of whether a visibility triangle is required shall be reviewed by the village engineer and determined by the director of community development.

Figure 9-5. Intersection Visibility Triangle



9.3.2. - Driveways

Solid fences and other visual obstructions exceeding three (3) feet in height are prohibited within driveway visibility triangles. Driveway visibility triangles are required along both sides of driveways. The triangles are formed as follows:

- A. One side of the triangle extends from the intersection of the street and sidewalk property line and the driveway edge for a distance of ten (10) feet along the lot line away from the driveway abutting the street.

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B. The second side of the triangle extends from the intersection of the street sidewalk property line and the property line driveway edge for a distance of ten (10) feet inward from the lot line along the driveway edge.

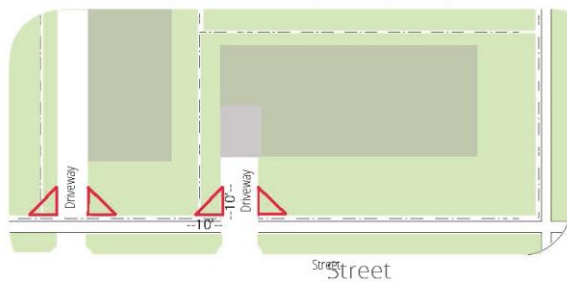
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C. The third side of the triangle connects the other two (2) sides (see Figure 9-6).

Figure 9-6. Driveway Visibility Triangle



14.2.10. - Words and Terms Beginning with "F"

A. **Fair:** An event for the exhibition and promotion of activities in the fields of agriculture, industry, labor, education and such other areas of activities as may be of interest to the public.

B. **Fence:** A freestanding structure of metal, masonry, composition or wood or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement or screening. Any plantings, shrubbery, hedges or other vegetation, whether used individually or in combination with a freestanding structure of metal, masonry, composition or wood, that is installed to provide an effective visual barrier constitutes a "fence" under this ordinance if it is more than ~~fourteen~~ (104) feet in length. Decorative lattice is not intended to be used as a fence.

C. **Fence, Mesh:** ~~Any fence made of woven material resulting in a diamond pattern, excluding Fence, Open and Fence, Solid. Commonly referred to as chain-link.~~

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~~**Fence, Solid:** Any fence that when viewed from an angle of ninety (90) degrees, is less than seventy-five (75) percent open.~~

D. **Fence, Open:** ~~Any fence that when viewed from an angle of ninety (90) degrees, is at least seventy-five (75) percent open, excluding Fence, Mesh.~~

Example:



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~~**Fence, Open:** Any fence that when viewed from an angle of ninety (90) degrees, is at least seventy-five (75) percent open.~~

~~**Fence, Solid:** Any fence that when viewed from an angle of ninety (90) degrees, is less than seventy-five (75) percent open.~~

~~**Fence, Mesh:**~~

E. **Fence, Solid:** Any fence that when viewed from an angle of ninety (90) degrees, is less than fifty (50) percent open, ~~excluding Fence, Mesh.~~

Example:



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EF. **Fest or festival:** An event that includes some or all of the following: amusement rides; carnivals circuses; fairs; parades; display and sale of arts, crafts, merchandise, food, or (alcoholic or nonalcoholic) beverages.

FG. **Flood base elevation:** That elevation of the highest flood of record, determined by the village engineer's record of the elevations of the highest flood at locations as indicated on the zoning map. Flood base elevations at intermediate locations must be interpolated along the watercourse between the two (2) nearest base elevations, one upstream and downstream. The controlling flood base elevation for any building site is the same as the flood base elevation at the nearest point of the watercourse, as measured on a line perpendicular to the direction of the watercourse.

GH. **Floodplain:** That continuous land area adjacent to a watercourse, whose elevation is equal to or below the flood base elevation, including any land that is surrounded on more than one-half its perimeter by land having an elevation equal to or lower than the flood base elevation.

HJ. **Flood reservoir:** A ponding area created for the purpose of impounding floodwaters and alleviating any flood damage that might result from human-made fills.

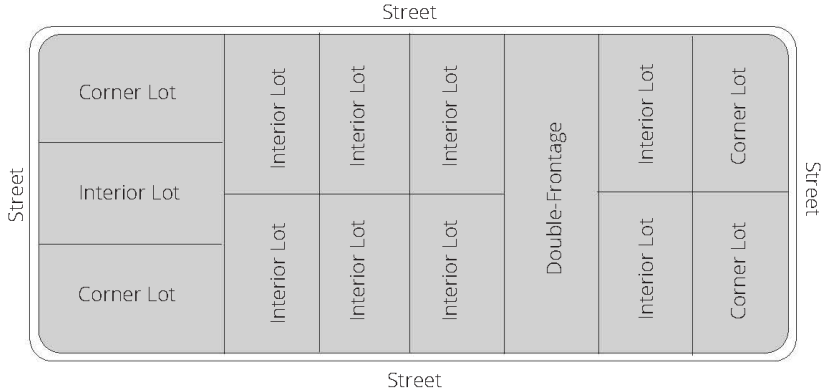
IJ. **Foot-candle:** A measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

JK. **Foundation area:** The ground area immediately adjacent to a building on all sides. Foundation areas extend a minimum of five (5) feet in all directions from the foundation of the building.

14.2.15. - Words and Terms Beginning with "L"

- A. **Landscape architect:** A person who, based on education, experience, or both in the field of landscape architecture, is eligible to register and has obtained a certificate to practice landscape architecture under 225 ILCS 15/1.
- B. **Landscape area, perimeter:** An area around the perimeter of a property not facing a public street. The perimeter landscape area extends from the property line to the nearest building face, parking area, or access drive, exclusive of the foundation area and the interior parkway.
- C. **Lawfully Established:** A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning code regulations in effect at the time of its establishment.
- D. **Lot:** A parcel of land that is designated by its owner or developer, at the time of applying for a building permit or other form of development approval required under this ordinance, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. So long as it satisfies the above requirements, such lot may consist of:
1. A single lot of record; or
 2. A combination of contiguous complete lots of record.
- E. **Lot, corner:** A lot located at the intersection of two (2) streets or a lot bounded on 2 sides by a curving street two (2) chords of which form an angle of 120 degrees or less measured on the lot side.
- F. **Lot, double-frontage:** A lot having frontage on two (2) parallel or non-intersecting streets, as distinguished from a corner lot.

Figure 143-6. Lot Types



- G. **Lot, Interior:** Any lot that is not a corner lot.
- H. **Lot line:** The property boundary line of a lot.
- I. **Lot line, front (street):** A street lot line forming the boundary of an interior lot or the shorter street lot line on a corner lot.
- J. **Lot line, rear:** The lot line that is most distant from, and is, or is most nearly, parallel to the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line is an imaginary line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line.
- K. **Lot line, side (interior):** A lot line that is neither a street lot line nor a rear lot line.
- L. **Lot line, side (street):** A street lot line forming the longer boundary on a corner lot.
- M. **Lot line, street:** Any lot line that abuts a street, including front (street) lot lines and side (street) lot lines.
- N. **Lot of record:** A lot that is part of a real estate subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds, pursuant to statute

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14.2.28. - Words and Terms Beginning with "Y"

- A. **Yard:** An actual open, unoccupied space that exists on a lot between a building and a respective lot line.
- B. **Yard, Corner Side:** A yard extending along a side street lot line between the front yard and the rear lot line.
- C. **Yard, Front:** A yard extending along the full length of the front lot lines between the side lot lines.
- D. **Yard, Interior Side:** A yard extending along a side lot line between the front yard and the rear yard.
- E. **Yard, Rear:** A yard extending along the full length of the rear lot line between the interior side yards lot lines on an interior lot, and between the side lot line and the corner side yard on a corner lot, excluding any front yards.
- Yard, Side:** A yard extending along a side lot line between the front yard and the rear lot line.
- F. **Yard, Street:** Any yard abutting a street.

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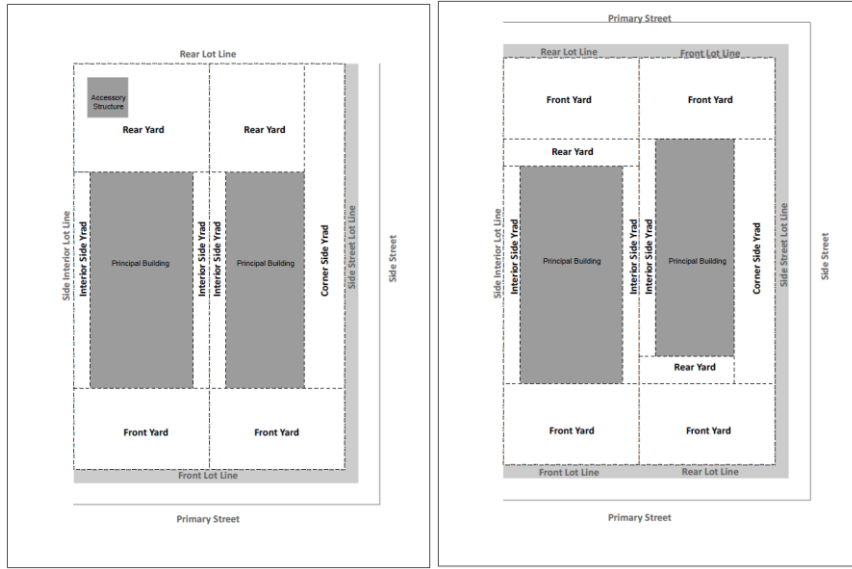
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Figure 14-7. Yard Types



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Village of Villa Park

Community Development Department, 11 W. Home Avenue, Villa Park, IL 60181



TO: Planning & Zoning Commission
FROM: Community Development Department
DATE: May 11, 2023
RE: **Petition PZ-23-001 / Zoning Ordinance Text Amendments**

Petitioner: Village of Villa Park – Director of Community Development

Request Summary:

The Petitioner is requesting a public hearing to consider Text Amendments to Appendix C – Basic Zoning Ordinance to remove conflicts, clarify certain language, and follow best practice.

Zoning Request:

The following sections are proposed to be amended:

- Article 7 “Parking”, Section 7.10 “Accessible Parking” – Adding clarification and removing conflicts to the Illinois Accessibility Code.
- Article 9 “Site Design and Performance Standards”, Section 9.2 “Fences” and Section 9.3 “Visibility Triangles” - Adding regulations, definitions, and clarification including permitted location and height of fences.
- Article 14 “Measurements and Definitions”, Section 14.2 “Definitions” – Correcting alphabetical order, correcting labels, clarifying Yard definitions, and adding graphics.

Notification:

Legal Notice was published in the Daily Herald on March 27, 2023 in advance of the public hearing. The public hearing was continued at the April 13, 2023 Planning and Zoning Commission meeting to May 11, 2023 Planning and Zoning Commission meeting.

Project Summary:

As noted in the past, the current Zoning Ordinance has some deficiencies in the text as a result of the process in which it was drafted and adopted. A year ago, a series of text amendments had been proposed to the Planning and Zoning Commission and recently adopted by the Village Board. In a continued effort to remove inconsistencies and add clarification for the day-to-day enforcement and interpretation, the following amendments are proposed.

At the April 13, 2023 Planning and Zoning Commission meeting, the following items were agreed upon and do not require additional discussion:

Article 7 “Parking”, Section 7.10 “Accessible Parking”

- Removing any language that is specific to the Zoning Ordinance and following the Illinois Accessibility Code as adopted and amended.

Article 9 “Site Design and Performance Standards”, Section 9.2 “Fences”

- Removing the blanket use of open-mesh fences (chain-link) in industrial uses
- Establishing an exemption to M zoning districts for open-mesh fences (chain-link) to 8’ in height
- Clarifying where barbed wire is allowed to match open-mesh fences (chain-link) areas
- Correct definitions for lot types

- Remove outdated graphics
- The attached exhibit shows the allowed locations based on the proposed language

Article 9 “Site Design and Performance Standards”, Section 9.3 “Visibility Triangles”

- Correct the language to define the Driveway Visibility Triangle

Article 14 “Measurements and Definitions”, Section 14.2 “Definitions”

- Correct the alphabetical order of the definitions
- Add graphics for clarity
- Correct the label of Figure 13.6 which should be 14.6
- Better define the Yard definitions
- Add graphics of Yards for clarity and interpretation

The item for continued discussion is as follows:

Article 9 “Site Design and Performance Standards”, Section 9.2 “Fences”

- Table 9.1 is amended to remove inconsistencies of where fences are allowed on a lot based on height and type

The existing Table 9.1 currently reads as:

Yard Type Fence Type	Maximum Fence Height (feet) [1]			
	Interior Lots	Corner Lots	Through Lots	Corner Through Lots
Front				
Solid Fence	3	3	3	3
Open Fence	4	4	4 [2]	4 [2]
Exterior Side				
Solid Fence	NA	6 [See 9.3.2]	NA	6 [See 9.3.2]
Open Fence	NA	4	NA	4
Interior Side [3]				
Solid or Open Fence	6	6	6	6
Rear				
Solid or Open Fence	6	6	6	6

[1] Fence posts and ornamental post caps may extend above the maximum fence height by up to six (6) inches.

[2] Fences up to six (6) feet in height area allowed in yards abutting Route 83, between Park Avenue and Madison Avenue.

[3] Fences in interior side yards may not extend closer to any street than the front of the principal structure.

The initial reason for Staffs amendment is to correct the anomaly that is a 6’ solid fence is allowed in an exterior side (corner side) but only a 4’ open fence is allowed in the same location. A taller solid fence is more prominent than a shorter open fence. Explaining this at the front counter to residents and contractors is met with confusion and often anger. Staff believes that this particular section of the Zoning Ordinance is an error in the original adoption in 2018.

As Staff drafted a correct Table 9.1, it was noted that this was an opportunity to add clarity to Table 9.1 for a long-standing issue in the planning world regarding shared property lines with different yard types. The front yard abutting a corner side yard scenario. This table separates the corner side into two sections, abutting a front yard or not abutting a front yard. Not abutting a front yard continues to allow a 6’ tall solid fence and a 6’ tall open fence to fix the initial reason for the text amendment. To address the scenario for corner side yard abutting front yard, it is Staff’s recommendation to allow a 4’ tall open or solid fence in these scenarios to

match the already allowed 4' tall open fence in a front yard. This keeps the rights of the corner lot intact for usefulness and privacy, but does not overshadow the front yard lot, which allows a 4' tall open fence. The matching height creates consistency along the block, even if the fence goes from open to solid. Staff recommends the following Table 9.1 to address these issues.

Yard Type Fence Type	Maximum Fence Height (feet) [1]			
	Interior Lots	Corner Lots	Double Frontage Lots	Corner Double Frontage Lots
Front				
Solid Fence	3	3	3	3
Open Fence	4	4	4 [2]	4 [2]
Corner Side, Abutting a Front Yard				
Solid or Open Fence	-	4	-	4
Corner Side, Not Abutting a Front Yard				
Solid or Open Fence	-	6	-	6
Interior Side				
Solid or Open Fence	6	6	6	6
Rear				
Solid or Open Fence	6	6	6	6

[1] Fence posts and ornamental post caps may extend above the maximum fence height by up to 6 inches.

[2] Fences up to 6 feet in height area allowed in yards abutting IL Route 83, between E Park Boulevard and E Madison Street.

With further discussion during the public hearing, chain-link fences and front yard character along a block were brought up. In an effort to visualize the discussed opinions, Staff has redrafted Table 9.1 to reflect Staff's initial recommendations and the Planning and Zoning Commission's additional concerns. The fence type of mesh was added, and fence types were expanded for both corner side locations. The solid fence in the front yard is removed and open fences remain at 4' tall. The corner side, not abutting a front yard, which could also be described as corner side abutting a corner side or corner side abutting a rear yard, remains at 6' tall for open and solid fences as originally intended. Two corner yards together is the entire length of the block and has an established character. Additionally, it limits the number of non-conformities created. Mesh fences are only allowed in rear and interior side yards at 6' tall. Below is the new Table 9.1.

Yard Type Fence Type	Maximum Fence Height (feet) [1]			
	Interior Lots	Corner Lots	Double Frontage Lots	Corner Double Frontage Lots
Front				
Solid Fence	-	-	-	-
Open Fence	4	4	4 [2]	4 [2]
Mesh Fence	-	-	-	-
Corner Side, Abutting a Front Yard				
Solid Fence	-	4	-	4
Open Fence	-	4	-	4
Mesh Fence	-	-	-	-
Corner Side, Not Abutting a Front Yard				
Solid Fence	-	6	-	6
Open Fence	-	6	-	6
Mesh Fence	-	-	-	-
Interior Side				
Solid, Open, or Mesh Fence	6	6	6	6
Rear				
Solid, Open, or Mesh Fence	6	6	6	6

[1] Fence posts and ornamental post caps may extend above the maximum fence height by up to 6 inches.

[2] Fences up to 6 feet in height area allowed in yards abutting IL Route 83, between E Park Boulevard and E Madison Street.

With the addition of the mesh fence type, a definition has been added. The updated fence definitions are as follows:

C. **Fence, Mesh:** Any fence made of woven material with a gauge of 9 or thicker resulting in a diamond pattern, excluding Fence, Open and Fence, Solid. Commonly referred to as chain-link.

D. **Fence, Open:** Any fence that when viewed from an angle of ninety (90) degrees, is at least fifty (50) percent open, excluding Fence, Mesh.

Example:



E. **Fence, Solid:** Any fence that when viewed from an angle of ninety (90) degrees, is less than fifty (50) percent open, excluding Fence, Mesh.

Example:



Findings:

Per Section 11.2.9. – Review and Approval Criteria: The decision to amend the Zoning Ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about Zoning Ordinance text amendments, the Planning and Zoning Commission and Village Board must consider at least the following factors:

1. Whether the proposed text amendment is in conformity with the policy and intent of the comprehensive plan; and
2. Whether the proposed Zoning Ordinance text amendment corrects an error or inconsistency in the Zoning Ordinance, meets the challenge of a changing condition or is necessary to implement established Village policy.

Staff Recommendation:

Village staff has reviewed the petition and is supportive of the request.

Recommended Action:

To recommend approval of PZ-23-01 for a Zoning Ordinance Text Amendment as outlined on Exhibit A.

Legend

LotLines

Setbacks

Buildings

Fence
height

4

6

