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October 21, 2003

Chestnut on the Green Homeowners Association
c/o Mr. David Hyland
P.O. Box 2921
Joliet, Illinois 60434

Re: Chestnut on the Green Homeowners Association

Dear Mr. Hyland:

As I previously advised, the Village of Indian Head Park has approved all zoning relief requested in the Petition for Zoning relief filed on behalf of the Association.

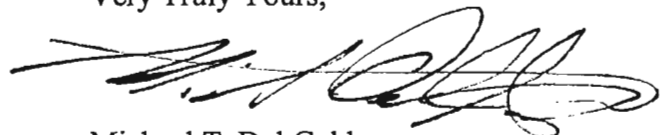
On October 9, 2003, the Village of Indian Head Park President and Board of Trustees adopted its Ordinance, numbered 03-12, amending the Planned Unit Development ("PUD") for Chestnut on the Green Phase 2 and authorizing and approving the text amendments to said PUD (as requested in the Petition). As such, the Homeowners are now authorized to apply for building permits consistent with the zoning text amendments.

Enclosed please find an originally certified and executed version of said Ordinance No. 03-12. Please retain this Ordinance for the permanent records of the Association.

As the adoption of Ordinance No. 03-12 finalizes this matter and concludes my representation of the Association, I would like to thank you again for choosing our firm to represent the Association in this zoning matter.

Should you and/or the Association have any questions regarding this matter and/or need representation in the future, please do not hesitate to contact me.

Very Truly Yours,



Michael T. Del Galdo

Enclosure




Certification

Village of Indian Head Park

I, Norman L. Schnauffer, as elected Clerk of the Village of Indian Head Park, Cook County, Illinois, do hereby certify that the attached is a true and correct copy of *Ordinance #03-12*, amending the Planned Unit Development for Chestnut on the Green, Phase 2, as approved by the Mayor and Board of Trustees at the Thursday, October 9, 2003, meeting.

Dated this 9th day of October, 2003.


Norman L. Schnauffer, Village Clerk
Village of Indian Head Park



**AN ORDINANCE AMENDING THE PLANNED
UNIT DEVELOPMENT PREVIOUSLY APPROVED FOR THE
CHESTNUT ON THE GREEN PHASE II TOWNHOME DEVELOPMENT
IN THE VILLAGE OF INDIAN HEAD PARK, COOK COUNTY, ILLINOIS**

WHEREAS, on April 22, 1999, the corporate authorities of the Village of Indian Head Park, (hereinafter the "Village") did pass and approve Ordinance No. 99-7, an ordinance that, as subsequently amended by Ordinance No. 00-9, approved an Annexation Agreement for a development now known as Chestnut on the Green Phase II in the Village of Indian Head Park, Cook County, Illinois; and

WHEREAS, on May 11, 2000, pursuant to the aforementioned Annexation Agreement, the Village adopted Ordinance No. 00-10 granting a special use and authorizing development of the subject property as a planned unit development within the Village's R-4 Zoning District in accordance with the Preliminary Plans previously submitted to the Village and expressly incorporated by reference therein; and

WHEREAS, the Chestnut on the Green Phase II development was subsequently constructed pursuant to the above-referenced ordinances, and specifically pursuant to the Preliminary Plans and Final Plans identified in said ordinances and incorporated therein by reference; and

WHEREAS, the Chestnut on the Green Phase II Homeowners Association (the "Association") has petitioned the Village to make certain text amendments to the above-referenced ordinances to allow the construction, extension and/or erection of certain decks, walk out patios, awnings and decorative screening as detailed in Zoning Petition No. 135 submitted by the Association to the Village and the exhibits tendered therewith; and

WHEREAS, Division 13 of Article II of the Illinois Municipal Code, 65 ILCS 5/11-13-1, *et seq.*, sets forth the authority and procedure for granting amendments and special uses; and

WHEREAS, following the publication of all public notices in the manner provided by law, the Planning and Zoning Commission held a public hearing on September 2, 2003, and heard all persons desiring to be heard on the question of granting the aforementioned zoning changes for the subject property.

WHEREAS, the Planning and Zoning Commission voted unanimously (6/0/1) to recommend that the Board of Trustees approve the requested amendments to the planned unit development for the Chestnut on the Green Phase II development as indicated on and subject to the plans and specifications submitted with the petition and tendered to the Planning and Zoning Commission and also subject to the conditions recommended by the Commission and the amendments made by the Association's counsel on the record at the public hearing; and

WHEREAS, the Planning and Zoning Commission has reported its recommendation regarding the requested amendment to the Village Board of Trustees; and,

WHEREAS, by granting the requested amendments, the Village does not intend to interfere with any private restrictions or covenants which may apply to the subject property, and anticipates that the petitioner will comply with any such restrictions or covenants, if applicable, as well as with all other applicable Village ordinances.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Indian Head Park, Cook County, Illinois, that:

Section 1. The planned unit development previously approved by the Village pursuant to the terms of Ordinances Nos. 99-7, 00-9 and 00-10 is hereby amended as follows:

- A. The construction, extension and/or erection of decks elevated in excess of one (1) foot above the grade immediately adjacent to the subject townhome is permitted, subject to and conditioned upon the following:
 - 1. such decks shall not extend more than ten (10) feet away from the rear wall of the townhome;
 - 2. steps or stairs from such decks down to grade shall not be permitted;
 - 3. Such decks shall remain open to the sky, except to the extent they are underneath a second floor deck or awning permitted by this ordinance; and
 - 4. such decks shall be constructed in substantial conformity with the decks depicted in Group Exhibit B submitted to the Village in support of Zoning Petition No. 135 and the applicable provisions of the Village deck ordinance, codified at Chapter 15.22 of the Village Code.

- B. The construction, extension and/or erection of walk-out patios shall be permitted, subject to and conditioned upon the following:
 - 1. such patios shall be at grade level;
 - 2. such patios shall not be enclosed with railings and shall remain open to the sky, except to the extent they are underneath a second floor deck or awning permitted by this ordinance;
 - 3. in the case of patios located under a second floor deck, the size and footprint of the patio shall not exceed the length, width and total square feet of the second floor deck;

4. in the case of patios adjacent to units that do not have a second floor deck, the patio shall not exceed the width of the unit and shall not extend more than ten (10) feet away from the rear wall of the townhome; and
 5. such patios shall be constructed of paver brick and/or concrete, and shall be constructed in substantial conformity with the patios depicted in Group Exhibit C submitted to the Village in support of Zoning Petition No. 135.
- C. The construction and maintenance of retractable arm awnings over decks (including second floor decks) and patios is permitted, subject to and conditioned upon the following:
1. such awnings shall not extend more than one (1) foot beyond the outer border of the deck and/or patio above which it is erected;
 2. such awnings shall be constructed in a style and size that is substantially consistent with the awning depicted in Group Exhibit D submitted to the Village in support of Zoning Petition No. 135, and the Association shall impose and enforce aesthetic standards for such awnings, including but not limited to requiring that all such awnings to be predominately tan in color with the frame or shoulder being white, beige or brown and constructed of a non-corrosive stainless steel and professionally installed; and
 3. that the installation and maintenance of such awnings shall be substantially consistent with the specifications submitted to the Village in Group Exhibit E in support of Zoning Petition No. 135.
- D. The erection of decorative screening on and about an existing deck and/or existing walk out patio shall be permitted subject to and conditioned upon the following:
1. such screening shall be consistent with the footprint of the deck or patio being screened and in no case shall such screening be erected in a manner to fully enclose such deck or patio, and no screening may be erected on the side immediately parallel and opposite the rear wall of the townhome to which the deck or patio is attached;
 2. such screening shall not exceed six (6) feet in height, provided, however, that where screening is used on the sides of a first floor deck or patio located underneath a second floor deck, lattice may be used in the space between the top of the privacy screening and the bottom of the second floor deck structure; and

3. such screening shall substantially conform in style and design to the screening depicted in Exhibit 1 to Group Exhibit F previously submitted to the Village in support of Zoning Petition No. 135.

Section 2. The improvements permitted by this Ordinance shall in all other manners be constructed in compliance with all applicable Village ordinances, including but not limited to the acquisition of a building permit and payment of all required fees, and compliance with the provisions of Chapter 15.22 of the Village Code entitled "Decks and Related Structures." In the event of a conflict between the provisions of this ordinance and the requirements of Chapter 15.22, this ordinance shall control with regard to this specific planned unit development.

Section 3. The official Zoning Map of the Village of Indian Head Park is hereby amended by noting said amendment.

Section 4. All parts of all ordinances in conflict herewith be and the same are hereby repealed to the extent that the conflict exists.

Section 5. This ordinance shall take effect upon its passage and approval as required by law.

PRESENTED and PASSED this 9th day of October, 2003.

Andrews, Bermier, Coleman, Grane, Reda, Walsh

AYES: _____

None

NAYS: _____

None


ABSENT: _____

APPROVED this 9th day of October, 2003.



Richard F. Pellegrino, President
Village of Indian Head Park, Cook County, Illinois

ATTEST:



Norman L. Schnauffer, Village Clerk
Village of Indian Head Park