

VILLAGE OF BRADLEY

ORDINANCE NO. **O-12-21-5**

AN ORDINANCE AMENDING CHAPTER 60 (ZONING), ARTICLE VIII (ADMINISTRATION), SECTION 60-369 (AUTHORIZED VARIATIONS) OF THE VILLAGE OF BRADLEY ZONING CODE, AS WELL AS CERTAIN OTHER PROVISIONS OF THE VILLAGE OF BRADLEY CODE OF ORDINANCES

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13 DAY OF December, 2021

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 13 day of Dec., 2021

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WHEREAS, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to Article 11, Division 13 of the Illinois Municipal Code (65 ILCS 11-13-1, *et seq.*) the Corporate Authorities of the Village have authority to enact zoning ordinances that regulate land use within the Village; and

WHEREAS, the Corporate Authorities of the Village previously exercised this authority, enacting Chapter 60 (Zoning) of the Bradley Village Code (the “Bradley Zoning Ordinance”); and

WHEREAS, the Village previously proposed an amendment to the Bradley Zoning Ordinance that would authorize a zoning variance to permit the erection, use, and maintenance of fences in excess of six (6) feet but not to exceed twelve (12) feet on residential lots adjacent to the Interstate 57 right of way (the “Proposed Amendment”); and

WHEREAS, the Proposed Amendment was submitted to the Planning and Zoning Commission (the “Plan Commission”) for its review and consideration and for the purposes of holding a public hearing thereon; and

WHEREAS, the Plan Commission held a public hearing to consider the Proposed Amendment on December 7, 2021, with notice having been properly given for the same, and at that time made all findings of fact required by and pursuant to the Village Code; and

WHEREAS, the Plan Commission has recommended that the President and Board of Trustees amend the Bradley Zoning Ordinance, and other provisions of the Bradley code of ordinances, as set forth in this Ordinance; and

WHEREAS, the Plan Commission has supported its recommendation by setting forth its findings of fact in accordance with the requirements of the Village Code (a copy of the Plan Commission’s Recommendation of Approval and Findings of Fact is attached hereto as Exhibit A and fully incorporated herein); and

WHEREAS, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission’s findings of fact; and

WHEREAS, the President and Board of Trustees of the Village have determined that amending the Bradley Zoning Ordinance as set forth in this Ordinance is in the best interests of the Village and its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. Chapter 60 (Zoning), Article VIII (Administration), Section 60-369 (Authorized Variations) of the Village of Bradley Zoning Code is hereby amended, in part, to include the following:

Sec. 60-369. - Authorized variations.

Variations from the regulations of this chapter shall be granted by the village president and the board of trustees only in accordance with the standards set forth in this section, and may be granted only in the following instances and no others:

* * *

- (11) To permit the construction, maintenance, and use of fences (except chain-link fences) that are in excess of six (6) feet in height but not to exceed twelve (12) feet in height, but only (i) on residentially-zoned lots located adjacent to the Interstate 57 right of way and (ii) along those lot lines actually abutting the Interstate 57 right of way.

SECTION 3. Chapter 10 (Buildings and Building Regulations), Article V (Fences), Section 10-330 (Regulations; Inspections) is hereby amended, in part, to read as follows:

Sec. 10-330. - Regulations; inspections.

* * *

- (j) *Fences located in residentially zoned districts or on a lot in any zoning district used for single- or multi-family dwelling purposes.* Except as otherwise provided in Section 60-369 of this Code, fences may not exceed six (6) feet in height above ground level in any residentially-zoned district or otherwise on a lot, in any zoning district, that is used for single- or multi-family dwelling purposes. No chain link fence located in any residentially-zoned district or otherwise on a lot, in any zoning district, that is used for single- or multi-family dwelling purposes may be more than forty-eight (48) inches above the ground level. All fences must be secured by posts, the base of which posts shall be at least 42 inches below ground level and secured by concrete.

* * *

SECTION 4. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 5. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 6. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 7. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 13 day of Dec., 2021.

TRUSTEES:

RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN TIERI	Aye - <input type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input checked="" type="checkbox"/>
GRANT D. VANDENHOUT	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GENE JORDAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

MICHAEL WATSON Aye - Nay - Absent -

TOTALS: Aye - 5 Nay - 0 Absent - 1

ATTEST:


JULIE TAMBLING, VILLAGE CLERK

APPROVED this 13 day of December, 2021.


MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:


JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) §§

I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 042215, "AN ORDINANCE AMENDING CHAPTER 60 (ZONING), ARTICLE VIII (ADMINISTRATION), SECTION 60-369 (AUTHORIZED VARIATIONS) OF THE VILLAGE OF BRADLEY ZONING CODE, AS WELL AS CERTAIN OTHER PROVISIONS OF THE VILLAGE OF BRADLEY CODE OF ORDINANCES," which was adopted by the Village Corporate Authorities at a meeting held on the 13 day of Dec, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13 day of Dec, 2021.

Julie Tambling

JULIE TAMBLING, VILLAGE CLERK



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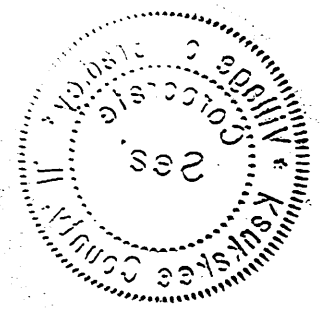
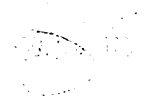


Exhibit A

**FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR A PROPOSED
TEXT AMENDMENT TO THE BRADLEY ZONING ORDINANCE REGARDING FENCE
HEIGHT VARIANCES IN RESIDENTIAL DISTRICTS.**

On Tuesday, December 7, 2021, at 6:30 p.m., at the Bradley Village Hall, 147 S. Michigan Avenue, Bradley, Illinois 60915, the Village of Bradley Planning and Zoning Commission conducted a public hearing, with public notice having been duly given for the same. At that hearing, the Planning and Zoning Commission considered whether to recommend approval or denial of a proposed text amendment that would amend certain provisions of the Bradley Zoning Ordinance to authorize fence height variances in residential districts (the “Amendment”). Having heard and considered all of the evidence presented at the hearing and being fully advised in the premises, the Planning and Zoning Commission hereby recommends that the Corporate Authorities of the Village approve and adopt the Amendment.

PASSED this 7th day of December, 2021, by roll call vote.

	Aye	Nay	Absent
Ryland Gagnon (Chairman)	<u>✓</u>	_____	_____
Charlene Eads (Secretary)	<u>✓</u>	_____	_____
Mike Dauphin	<u>✓</u>	_____	_____
James Guiss	<u>✓</u>	_____	_____
Rick White	_____	_____	<u>✓</u>
Bill Bodemer	<u>✓</u>	_____	_____
Michael Williams	<u>✓</u>	_____	_____



Agenda Cover Memorandum

Meeting Date: December 13th, 2021

Fiscal Year: 2021

Agenda Item: Amending chapter 60 of the Bradley zoning code, Sec. 60-369 (authorized variations)

Item Type: Ordinance Resolution Other

Action Requested: Approval First Reading For Discussion Informational

Staff Contact: Name: Bruce Page
Phone: 815-936-5100 ext. 1111
Email: bepage@bradleyil.org

Internal Review
Initials
Date

Brief Summary:

The Community Development Dept. is requesting an amendment to increase authorized variations of the Village zoning code. # (11) to permit construction, maintenance, and uses of fences (except chain-link fences) that are in excess of six (6) feet in height but not to exceed twelve (12) feet in height, but only (i) on residentially-zoned lots located adjacent to the Interstate 57 right of way and (ii) along those lot lines actually abutting the Interstate 57 right of way. The PNZ commission has approved and recommended this go to the VOB board for consideration by a 7-0 vote.

Approval of Ordinance

Supporting Documents: Ord #

Financial (if applicable)

Is this a budgeted item? Yes No Requires Budget Amendment

Line Item: Title: