

ORDINANCE NO. 2010-10

AN ORDINANCE AMENDING CHAPTER 18, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE IX, OF THE MUNICIPAL CODE OF THE VILLAGE OF STICKNEY BY DELETING CURRENT SECTIONS 18-321, AND 18-322, AND ADDING SECTIONS .

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, A HOME RULE UNIT OF GOVERNMENT, AS FOLLOWS:

WHEREAS, the Village of Stickney (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village provides certain rules and regulations regarding the erection of structures, including fences, within the Village; and

WHEREAS, the Village desires to clarify the restrictions and requirements for erecting fences within the Village;

NOW THEREFORE BE IT ODRAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COUNTY OF COOK, ILLINOIS.

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section. Adoption. Chapter 18, Article IX, of the Municipal Code of the Village of Stickney shall be amended by deleting the current Section 18-321 and 18-322, and adding Sections 18-321 through , which shall read as follows:

Sec. 18-321. Residence District Defined

As used in this chapter, "Residence District" means and includes areas zoned for residence purposes only. The term may include apartment buildings, but does not include any other structure defined under the "permitted uses" within a Business District under the Village's Zoning Code.

Sec. 18-322. Permit to Erect.

A person who wishes to erect a fence in the Village must first apply to the designated Village official for a permit there for. The permit shall be issued upon payment of not less than \$25 fee , (see fee schedule) to the Village and upon the Building Inspector's approval of the plans, specifications, sketches or statements of the applicant concerning the height, location, design and construction of the proposed fence.

Sec. 18-323 Front Yard Fences.

No fence of any kind shall be allowed or erected in the front yard of a zoning lot located in the Village, except that where the principal building is located in the rear half of a zoning lot, a fence may be erected in the front yard not closer to the front lot line than beyond a structure situated on a lot adjacent on either side. Under no circumstances shall the fence be closer than 16 feet from the front lot line or be placed to create a barrier to the front or main entrance of the residence.

Sec. 18-324. Side Yard Fences.

No fence of any kind shall be allowed or erected in the side yard of a zoning lot located in the Village, adjacent to the principal building, except when the side yard is greater than 3 feet from the principal building, a fence may be erected which conforms to all other regulations regarding fences in Residence Districts.

Sec. 18-325. Height.

(a) *In general.* No fence shall be allowed or erected in the Village which exceeds five feet in height, except as otherwise provided in this chapter. An additional one foot of decorative open trellis design may be erected atop a solid design fence to achieve a total height not to exceed five feet. All heights in this section shall include any decorative top.

(b) *Rear lot lines.* Notwithstanding the provisions of division (a) hereof, fences along rear lot lines in all zoning districts may be erected to a height not to exceed six feet.

(c) *Residential lots adjacent to Business, Commercial or Industrial Districts.* Notwithstanding the provisions of division (a) hereof, fences on residential lots adjacent to a Business, Commercial, Business or Industrial District, or adjacent to a "T" alley in a Residence District, may be erected to a height not to exceed six feet.

Sec. 18-326. Fences on Vacant Lots.

Where a vacant lot is located between two lots which are improved with buildings, an open chain-link fence of not more than five feet, or a wooden fence of not more than four feet, may be erected across the vacant lot between the two adjacent buildings, provided that the fence is not closer to the front lot line than a structure situated on a lot adjacent on either side. Under no circumstances shall the fence be closer than 16 feet from the front lot line.

Sec. 18-327. Fence Construction in Residence Districts.

(a) A Residence District zoning lot may have a fence in the rear yard, or as otherwise allowed by this chapter, constructed of open chain-link, solid decorative wood, cedar poles, painted or stained wood pickets or ornamental iron. All posts for any fence must be on the owner's side of the fence. No fence shall have any sharp, dangerous or impaling members. No

owner's side of the fence. No fence shall have any sharp, dangerous or impaling members. No second fence shall be attached, connected, otherwise affixed or installed parallel to an existing fence at the same lot line.

(b) In a Residence District, a fence constructed of stone, brick or masonry may be erected to a height not to exceed 42 inches. However, all stone, brick or masonry fences must be erected on a four-foot deep foundation of concrete so as to prevent movement by frost.

(c) (1) In a Residence District, the below-ground depth of the post for all other fences (wood, metal and the like) shall be one-half of the above-ground height of the fence, as follows:

Above Ground (ft.)	Depth (in.)	Diameter of Hole (in.)
3	18	8
4	24	8
5	30	8
6	36	8

(2) Concrete shall be placed in each post hole to the depth of the sunken post.

Sec. 18-328. Placement; Gates.

A fence and any gate thereof must be erected within the lot lines. The gate shall be made of material compatible with the fencing material, except that ornamental iron or decorative wooden gates are required for stone, brick or masonry fences.

Sec. 18-329. Prohibited Materials.

No corrugated metal, plastic, barbed wire or chicken wire of any kind is permitted as construction material for a fence in any zoning district, except that vinyl, durable plastic or other nonmetallic strips, may be inserted into the spaces of a chain-link fence and in a Business, Commercial or Industrial District the interweaving of aluminum slats will be allowed.

Sec. 18-330. Fences on Corner Lots in Residence Districts.

On a corner lot in a Residence District, an additional one foot of decorative wood trellis design or an ornamental iron decorative trellis design may be erected atop any stone, brick or masonry fence, up to a total fence height of 54 inches. Fences of any kind on corner residential lots may be erected up to the height allowed in this Article. A fence or gate of the same height may be erected to connect the fence to the residence on the sidewalk side of the lot and/or to a garage on either side of the lot. In the event there is a secondary rear/side entrance to the residence at the sidewalk side of the residence, then the fence may extend into the side yard only to enclose the rear/side secondary entrance.

Sec. 18-331. Fences Adjacent to Business, Commercial or Industrial Districts.

No stone, brick or masonry fence shall be permitted along a lot line of a Residence District lot adjacent to or across an alley from a Business, Commercial, or Industrial District.

Sec. 18-332. Fences Interfering with Off-Street Parking Requirements.

All provisions of the Village Code relating to off-street parking must be complied with, and no fence shall interfere in any way with the required off-street parking.

Sec. 18-333. Fences in Business, Commercial, or Industrial Districts.

(a) In a Business, Commercial, or Industrial District, an open chain-link fence may be erected to a height of six feet, or higher if required by applicable provisions in the Village's Zoning Code, for the enclosure of rear yards of commercial or industrial businesses when the storage of unsightly vehicles or materials is desired. All other fences in the District must comply with the provisions of this chapter regulating fences other than the open chain-link.

(b) In a Business, Commercial, or Industrial District, if the business property is on a corner lot, any fence erected thereon must be set back three feet or more from the lot line which runs parallel to the building on the lot and must have plantings of yews or privet hedges that will be trimmed to form a hedge not more than three feet high along any public sidewalk. An alley fence in a Business, Commercial, or Industrial District must be set back three feet from the lot lines.

Sec. 18-334. Application of Zoning Code.

The restrictions and requirements contained in this Article shall apply in addition to the provisions of the Village's Zoning Code. In the event that such provisions are in conflict, the stricter of the two conflicting provisions shall apply.

Sec. 18-335 Fences for Recreation, School, Church and Railroad Uses.

(a) A fence for a recreation park, playground, amusement park, school or church must comply with the regulations set forth for fences in residential districts, except that open chain-link fences for those uses may reach six feet in height.

(b) A fence for a railroad yard must conform to the regulations concerning a fence in a Business, Commercial or Industrial District.

Sec. 18-336. Plants, Bushes, Shrubs, Trees, Hedges, and other Vegetation.

Plants, bushes, shrubs, hedges, trees and other vegetation, of any and every kind, arranged in series or intermittent, shall be subject to the same height limitations set forth in the Village's Zoning Code for fences when the vegetation is being used as a fence, whether as a substitute for

a fence or as a fence or a screen for a fence adjacent and parallel to an existing fence at any lot line.

Sec. 18-337. Security Gates and Doors in Businesses and Commercial Establishments.

(a) Metal security gates on the exterior of doors and windows, and metal overhead doors that are able to close over entryways, of any business or commercial enterprise operating in the Village in a Business or Commercial District are prohibited. Metal gates and overhead doors on rear doors or windows not facing a public street are permitted.

(b) Any business or commercial enterprise operating in the Village in a Business or Commercial District and having metal gates and/or overhead doors as described in subsection (a) hereof shall have six months from the date of passage of this section to remove the metal gates and/or overhead doors to comply with the provisions of this section.

Section 3. Home Rule. This ordinance is enacted under the Home Rule powers of the Village as set forth in the Constitution and laws of the State of Illinois.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

Section 5. Conflicts. This Ordinance supersedes all ordinances or parts of ordinances directly conflicting with the terms and provisions contained herein, but only to the extent of such conflict.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Certification and Publication. The Village Clerk of the Village of Stickney shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

PASSED AND APPROVED at a regular meeting of the President and the Board of Trustees of the Village of Stickney, Illinois, this 4th day of May, 2010.

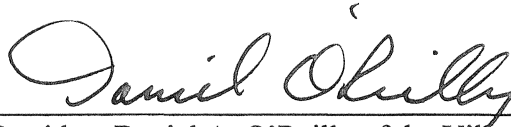
AYES: Trustees Lazansky, Mares, Morelli, Schimel, Walik, Zeedyk

NAYS: _____

ABSENT: _____

ABSTAIN: _____

APPROVED by me this 5th day of May, 2010.



President Daniel A. O'Reilly of the Village
of Stickney, Cook County, Illinois

ATTESTED, Filed in my office,
and published in pamphlet form
this 5th day of May, 2010.



Audrey McAdams
Clerk of the Village of Stickney, Cook County, Illinois