

VILLAGE OF ANTIOCH

Ordinance No. 10-04-16

***AN ORDINANCE AMENDING TITLE 10 CHAPTER 5 SECTION 3 OF THE VILLAGE CODE
REGARDING PERMITTED OBSTRUCTIONS***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

APRIL 19, 2010

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 21st day of April, 2010**

LAWRENCE M. HANSON	President	DENNIS B. CROSBY	Trustee
		JAY JOZWIAK	Trustee
CANDI L. ROWE	Clerk	SCOTT A. PIERCE	Trustee
		TED P. POULOS	Trustee
ROBERT J. LONG	Attorney	GEORGE C. SAKAS	Trustee
		MICHAEL W. WOLCZYK	Trustee

ORDINANCE NO. 10-04-16

AN ORDINANCE AMENDING TITLE 10 CHAPTER 5 SECTION 3 OF THE VILLAGE CODE REGARDING PERMITTED OBSTRUCTIONS

WHEREAS, the Village of Antioch is a Non-Home Rule Illinois Municipal Corporation organized and operating under the Illinois Municipal Code, 65 ILCS 5/1 et seq.; and

WHEREAS, through 65 ILCS 5/11-30-4 of the Illinois Municipal Code, the Village has the authority to prescribe the strength and manner of constructing all buildings within the Village; and

WHEREAS, pursuant to Chapter 14 of Title 10 of the Antioch Village Code, a public hearing was commenced and adjourned by the Combined Planning Commission and Zoning Board on April 08th, 2010 after due notice by newspaper publication, pursuant to the application of Dustin Nilsen, on Behalf of the Village of Antioch ("Petitioner") to amend Title 10 of the Village Zoning Code; and

WHEREAS, the Combined Planning Commission and Zoning Board, following adjournment of the public hearing and consideration of all the evidence presented by the Applicant, staff and public, voted to recommend approval of a text amendment of Chapter 5 of Title 10 relating to Permitted Obstructions (the "Amendment"); and

WHEREAS, the Corporate Authorities have concluded and found that the Amendment, subject to and in conformance with the terms and conditions of this Ordinance, is necessary or desirable to permit services or facilities which are in the interest of public convenience, will contribute to the general welfare of the neighborhood or community, and will not, under the circumstances permitted by this Ordinance, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity; and

WHEREAS, the Corporate Authorities have concluded and found that the Amendment will enhance and promote the general welfare of the Village and the health, safety and welfare of the residents of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

SECTION I: The foregoing recitals represent the purpose and intent of this ordinance and insofar as each recital does it is incorporated by reference as a substantive provision as though fully set forth herein and

SECTION II: That Section 10-5G-3 of Title 10 of the Antioch Village Code be and is hereby amended and shall hereafter provide as follows with underline (insert) denoting inserted language and strikeout (~~delete~~) denoting deleted language:

10-5G-3: LOT AND AREA REQUIREMENTS:

Permitted Obstructions:

A. Purpose:

B. Permitted Obstruction: The following shall not be considered as obstructions when located within or over required yards for single family detached residential products. As exceptions to the Zoning Code, the following sections do not grant persons the authority to locate permitted obstructions into easements or waive the requirements of the Building Code or its adopted amendments:

Arbors and trellises

Awnings and canopies

Breezeways, decks, and open porches (~~rear yards only~~) under the following conditions

- 1.) Decks and Open Porches must be less than two feet as measured from grade
- 2.) Encroachment may only occur in the rear yard (side yards behind the principal building setback must remain unobstructed)
- 3.) Must maintain a minimum ten (10) foot setback as measured from the outermost structure limits to the rear property line;
- 4.) Cannot encroach into any easement;
- 5.) Cannot obstruct natural or designed drainage patterns;
- 6.) Must be setback ten (10) feet from and ten (10) feet beneath overhead utilities;
- 7.) Must be setback five (5) feet from underground utilities and;

Children's Playset (rear yard only)

Chimneys, not exceeding two feet (2') or two percent (2%) of the width of the yard, whichever is greater

Fences or walls as provided in section 10-5-2 of this chapter

Masonry Patios (at grade in rear yard only)

Retaining Walls or Landscape Walls less than four feet (4') in height (side yard excluded)

Sidewalks (Max Width 4 feet and minimum 3 feet off the sideyard)

Steps not over four feet (4') in height

Swimming pool, private, under the following conditions

- 1.) Pools must be in-ground
- 2.) Encroachment may only occur in the rear yard
- 3.) Must maintain a minimum ten (10) foot setback as measured from the outermost pool deck limits to the rear property line;
- 4.) Cannot encroach into any easement;
- 5.) Cannot obstruct natural or designed drainage patterns;
- 6.) Must be setback ten (10) feet from and ten (10) feet beneath overhead utilities;
- 7.) Must be setback five (5) feet from underground utilities and;
- 8.) Must be setback 8 feet from the principal structure;

Terraces

SECTION III: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION IV: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

SECTION V: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

APPROVED this 19th day of April, 2010.

AYES: 5: Poulos, Sakas, Crosby, Wolczyk and Jozwiak.

NAYS: 0.

ABSENT: 1: Pierce.



LAWRENCE M. HANSON, President

ATTEST:



CANDI L. ROWE, Village Clerk



STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

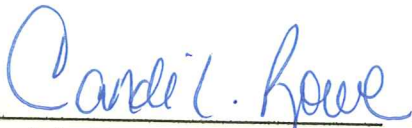
CERTIFICATE

I, Candi L. Rowe, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on April 19, 2010, the Corporate Authorities of such municipality passed and approved **Ordinance No. 10-04-16**, entitled "**AN ORDINANCE AMENDING TITLE 10 CHAPTER 5 SECTION 3 OF THE VILLAGE CODE REGARDING PERMITTED OBSTRUCTIONS**" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 10-04-16**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 21, 2010, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 21st day of April, 2010.



Candi L. Rowe, Village Clerk

