

VILLAGE OF BOURBONNAIS

ORDINANCE NO. 23 - 2402

**AN ORDINANCE AMENDING CHAPTER 36 SEC. 36-7-10. PORCHES, PATIOS,
DECKS AND STOOPS OF THE MUNICIPAL CODE OF THE VILLAGE OF
BOURBONNAIS, ILLINOIS**

**ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BOURBONNAIS
THIS 21 DAY OF AUGUST, 2023.**

Published in pamphlet form by authority of the Board of Trustees of the Village of
Bourbonnais, Kankakee County, Illinois this _____ day of _____, 2023.

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AN ORDINANCE AMENDING CHAPTER 36 SEC. 36-7-10. PORCHES, PATIOS, DECKS AND STOOPS OF THE MUNICIPAL CODE OF THE VILLAGE OF BOURBONNAIS, ILLINOIS

WHEREAS, The President and Board of Trustees (the “Corporate Authorities”) of the Village of Bourbonnais, Kankakee County, Illinois, an Illinois municipal corporation, (the “Village”), desire to provide minimum standards to safeguard life, health, property, property values, and public welfare by regulating zoning issues concerning porches, patios, decks and stoops; and

WHEREAS, Illinois Municipal Code §11-13-1 grants municipalities the power to zone; and

WHEREAS, The Illinois Municipal Code generally and more specifically in 65 ILCS 5/11-60-2 authorizes the Village to define, prevent, and abate nuisances; and

WHEREAS, The Corporate Authorities desire to amend Sec. 36-7-10 by deleting all language shown with a strikethrough and adding all language that is underlined as follows:

Sec. 36-7-10. Porches, patios, decks and stoops.

- (a) *Front yard.* A stoop may project into a required front yard setback for a distance not exceeding ~~ten feet~~ 4 feet in width and the length shall be no greater than the side of the house. Porches, patios and decks are not allowed within the front yard setback.
- (b) *Side yard.* Porches, decks, stoops and patios must not be closer to an interior side lot line than the minimum required side yard setbacks that apply to the principal building on the property.
- (c) *Rear yard.* Open porches, patios and decks may project into a required rear yard setback for a distance not exceeding ten feet.

WHEREAS, the Village filed an Application for Amendment of the zoning code, after all notice required by statute and ordinance, held a public hearing before Planning Commission/Zoning Board of Appeals as case PA22-0005, on or about April 28, 2022, a meeting open to the public, and after presentation of the Village’s case, questions from the Planning Commission/Zoning Board of Appeals members, public participation and public comment, the Planning Commission/Zoning Board of Appeals voted to recommend to the Village Board that Sec. 36-7-10 be amended as requested; and

WHEREAS, the recommendations of the Planning Commission/Zoning Board of Appeals were reported to the Village Board, and the Village Board accepted the recommendations; and

WHEREAS, the Corporate Authorities of the Village find that it is necessary, appropriate and in the best interests of the Village and its citizens to amend Sec. 36-7-10 Porches, patios, decks and stoops, as written above.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BOURBONNAIS, KANKAKEE, COUNTY, ILLINOIS AS FOLLOWS:

SECTION ONE (Incorporation of recitals): The foregoing recitals are hereby found to be true and correct and shall be and are hereby incorporated into and made part of this Section One as though they were fully set forth in this Section One.

SECTION TWO (Amendment): that Chapter 36, Article VII, Sec. 36-7-10 of the Code of Ordinances of the Village should be amended to read from now on as follows:

Sec. 36-7-10. Porches, patios, decks and stoops.

- (a) *Front yard.* A stoop may project into a required front yard setback for a distance not exceeding 4 feet in width and the length shall be no greater than the side of the house. Porches, patios and decks are not allowed within the front yard setback.
- (b) *Side yard.* Porches, decks, stoops and patios must not be closer to an interior side lot line than the minimum required side yard setbacks that apply to the principal building on the property.
- (c) *Rear yard.* Open porches, patios and decks may project into a required rear yard setback for a distance not exceeding ten feet.

SECTION THREE Should any provision or section of this Ordinance be declared invalid by any Court of competent jurisdiction; such declaration shall not affect the validity of this Ordinance as a whole or any part hereof other than the part so declared to be invalid.

SECTION FOUR This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK, VOTING
RECORD AND SIGNATURE PAGE TO IMMEDIATELY FOLLOW]

ADOPTED AND APPROVED this 21 day of AUGUST, 2023, by the following vote:

TRUSTEE	AYE	NAY	ABSENT	RECUSE	ABSTAIN
Greenlee	X				
Fischer	X				
King	X				
Keast	X				
Littrell	X				
Serafini	X				
TOTALS	6	0	0	0	0

Paul Schore
PAUL SCHORE
Village President

ATTEST:
Brian Simeur
BRIAN SIMEUR
Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) SS.

CERTIFICATION OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk for the Village of Bourbonnais, Kankakee County, Illinois (the "Municipality"), and that as such official I am the keeper of the records and files of the Municipality and its President and Board of Trustees (the "Corporate Authorities").

I do further certify that the foregoing is a full, true and complete excerpt from the proceedings of the meeting of the Corporate Authorities held on the 21 day of August, 2023, insofar as the same relates to the adoption of an ordinance numbered and entitled:

ORDINANCE NO. 23-2402

AN ORDINANCE AMENDING CHAPTER 36 SEC. 36-7-10. PORCHES, PATIOS, DECKS AND STOOPS OF THE MUNICIPAL CODE OF THE VILLAGE OF BOURBONNAIS, ILLINOIS

a true, correct and complete copy of which ordinance as adopted at such meeting appears in the proceedings of such meeting.

I do hereby further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly and was preceded by a public recital of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place, convenient to the public, that notice of such meeting was duly given to all news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the open meetings laws of the State of Illinois, as amended, and that the Corporate Authorities have complied with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I hereunto affix my official signature, and the Municipality's seal, this 23 day of August, 2023.

(SEAL)





Village Clerk