

VILLAGE OF GILBERTS

ORDINANCE 10-2022

**AN ORDINANCE AMENDING THE VLLAGE'S UNIFIED DEVELOPMENT
ORDINANCE REGARDING FENCE HEIGHT REQUIREMENTS**

WHEREAS, on January 7, 2014, the Village Board of the Village of Gilberts adopted the Gilberts Unified Development Ordinance ("**UDO**"), which sets forth the zoning and development standards and procedures for the Village; and

WHEREAS, Section 9-3(C) of the UDO currently provides that no fence shall extend to more than five (5) feet in height; and

WHEREAS, the Village Board desires to amend Section 9-3(C) of the UDO to increase the general fence height restriction to six (6) feet; and

WHEREAS, the Village Board has proposed an amendment to the UDO that would increase the general fence height restriction in Section 9-3(C) of the UDO to six (6) feet ("**Amendment**"); and

WHEREAS, the Plan Commission conducted a public hearing, pursuant to notice published in accordance with Illinois state law, on the Amendment at its meeting held on August 10, 2022, at which time the Plan Commission recommended approval of the Amendment; and

WHEREAS, the Village Board of Trustees has considered the Plan Commission's recommendation, and has determined that it is in the best interests of the Village to approve the Amendment as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS The recitals set forth above are incorporated into Section 1 as set forth herein.

SECTION 2. AMENDMENT TO SECTION 9-3(C) OF THE UDO. Chapter 9, Section 9-3, entitled "Fences," is hereby amended as follows (deletions in ~~striketrough~~, additions in **bold** and underline):

"9-3. – Fences.

* * *

C. *Height.* Except as otherwise expressly provided by this code, no fence shall extend to more than ~~five~~ six feet in height."

SECTION 3. SEVERABILITY. In the event that any section, clause, provision, or part

of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

SECTION 4. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.

ADOPTED THIS 16 DAY OF Aug, 2022, pursuant to roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Dan Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Brandon Coats	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Lou Hacker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Justin Redfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee David LeClercq	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
President Guy Zambetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



APPROVED THIS 16 DAY OF Aug, 2022

Guy Zambetti
 Village President, Guy Zambetti

ATTEST: [Signature]
 Village Clerk

Published: _____