

**ORDINANCE NO. 2018-07**

**AN ORDINANCE AMENDING SECTION 4.14 OF THE VILLAGE OF STICKNEY ZONING ORDINANCE – 1980, VILLAGE OF STICKNEY, ILLINOIS REGARDING LAND DIVISIONS**

**WHEREAS**, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, Section 4.14 of the Village of Stickney Zoning Ordinance – 1980 (the “Zoning Ordinance”) governs the division of zoning lots within the Village (the “Existing Regulations”); and

**WHEREAS**, pursuant to Section 12.10 of the Zoning Ordinance, which vests any member of the Board of Trustees of the Village (the “Village Board”) with the authority to initiate amendments to the Zoning Ordinance, a member of the Village Board initiated certain text amendments described herein (the “Amendments”) to Section 4.14 of the Zoning Ordinance; and

**WHEREAS**, the Zoning Board of Appeals (the “ZBA”) held a public hearing, pursuant to proper notice, on the proposed Amendments; and

**WHEREAS**, based on the testimony given at said public hearing, the ZBA made certain findings of fact and conclusions with respect to the Amendments and made a recommendation to the Village Board that the Amendments be approved (collectively, the “Findings of Fact and Recommendation”); and

**WHEREAS**, a copy of the Findings of Fact and Recommendation is attached hereto as Exhibit A and is incorporated herein; and

**WHEREAS**, the Amendments update and clarify the Existing Regulations regarding land divisions; and

**WHEREAS**, in light of the above, the Village President (the “President”) and the Village Board (and with the President, the “Corporate Authorities”) have determined that it is in the public interest to adopt the Amendments;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**ARTICLE I.  
IN GENERAL**

**SECTION 1. INCORPORATION CLAUSE.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**SECTION 2. PURPOSE.**

The purpose of this Ordinance is to amend Section 4.14 of the Zoning Ordinance to clarify the Existing Regulations regarding land divisions and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**SECTION 3. APPROVAL OF TEXT AMENDMENTS.**

The Findings of Fact and Recommendation are hereby adopted. The Village Board concurs with the Findings of Fact and Recommendation and, in accordance with the findings and conclusions stated therein, hereby approves the Amendments, as described below.

**ARTICLE II.  
AMENDMENT OF SECTION 4.14 OF THE VILLAGE OF STICKNEY ZONING ORDINANCE –  
1980**

**SECTION 4. AMENDMENT OF SECTION 4.14.**

That the Zoning Ordinance is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Section 4.14, which Section shall be amended as follows:

**Section 4.14. - Division of zoning lots.**

(a) Hereafter, no improved zoning lot shall be divided into two or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located. In the event that any resulting lot has a pre-existing, legal non-conformity, the applicant must simultaneously submit an application for a variance, special use, or other zoning relief to address the non-conformity.

If a lot is built upon, under one building permit, then divided for selling purposes, it can only be so divided if each saleable lot or portion of the original lot is platted as lot of record and conforms to the requirements of this ordinance.

(b) The subdivision control regulations set forth in this section shall be applicable to all lands within the corporate limits of the Village. Whenever the owner of any land within the corporate limits subdivides any lands, blocks, lots, sublots or parcels or any part thereof he shall, at his own cost and expense, prepare a plat of subdivision in accordance with this section, and no such map or plat of subdivision shall be recorded in the recorder's office of

the county except after review and approval by the zoning board of appeals and the board of trustees.

(c) Every person desiring to subdivide any land within the Village shall first submit five copies of the tentative plat along with a narrative description of the purpose of the subdivision or plan for the subdivided property to the zoning board of appeals. If the person desiring the subdivision is not the owner of record of the land, he must provide evidence that the owner has duly authorized him to subdivide the land.

(d) The zoning board of appeals shall consider a proposed plat of subdivision at a hearing, and may then recommend the approval or disapproval of the tentative plat or require additional information or changes to bring the plat in conformity with requirements of the zoning code or any Village ordinances. If the plat is recommended for approval, the zoning board of appeals shall transmit the plat to the board of trustees for its approval.

(e) A tentative plat shall be drawn to a scale of not more than 100 feet to one inch and shall be prepared and certified by a land surveyor registered in this state and shall show on its face the following information:

(1) The title under which the proposed subdivision is to be recorded.

(2) The legal description of the property platted, total acreage included.

(3) Date, scale and north point.

(4) Names and addresses of the owner, subdivider, engineer and land surveyor preparing the plat.

(5) The location, widths and other dimensions of the proposed streets, alleys, easements, parks, playgrounds and other open spaces proposed to be dedicated for public use; the blocks and lots into which the project is proposed to be subdivided in sufficient detail to determine the character of the development; existing permanent buildings; watercourses; easements; and other existing features pertinent to property subdivision.

(6) Designation of all the municipal boundary lines within or adjacent to the proposed subdivision.

(7) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for multifamily housing, shopping centers, church sites or other nonpublic uses not requiring individual lots, including dimensions and acreage.

(f) After the board of trustees has recommended the approval of the tentative subdivision plat, the subdivider shall submit a final plat which shall be in substantial compliance with the approved tentative plat and shall be drawn on tracing cloth, Mylar or equivalent material.

### **ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE**

#### **SECTION 5. HEADINGS.**

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

**SECTION 6. SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

**SECTION 7. SUPERSEDER.**

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 8. PUBLICATION.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

**SECTION 9. EFFECTIVE DATE.**

This Ordinance shall be effective and in full force immediately after its passage and approval.

**(Remainder of page left intentionally blank)**

**PASSED this 6<sup>th</sup> day of March, 2018.**

**AYES: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos and Torres**

**NAYS: none**

**ABSENT: Trustee White**

**ABSTENTION: none**

**APPROVED by me this 6<sup>th</sup> day of March, 2018.**

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**Jeff Walik, President**

**ATTESTED AND FILED in my  
office this 7<sup>th</sup> day of  
March, 2018.**

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**Audrey McAdams, Village Clerk**

**EXHIBIT A**

**Findings of Fact and Recommendation**