

FINDINGS OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS

**RE: TEXT AMENDMENTS TO SECTIONS 12.10 and 12.15 OF THE VILLAGE
OF STICKNEY ZONING ORDINANCE -- 1980 (THE "ZONING
ORDINANCE")**

APPROVAL OF TEXT AMENDMENTS

On or about November 19, 2015, the Village of Stickney Zoning Board of Appeals (the "ZBA") recommended approving certain text amendments to Sections 12.10 and 12.15 of Zoning Ordinance, based on the following:

1. Section 12.10 of the Zoning Ordinance governs "Amendments," including any text amendment or map amendment to the Zoning Ordinance, and Section 12.15 of the Zoning Ordinance governs "Notice," including the notice requirements for any text amendment or map amendment to the Zoning Ordinance;
2. Sections 12.10 and 12.15 of the Zoning Ordinance currently require that notice for any proposed map amendment shall be provided by the publication of such a notice in a newspaper in general circulation in the Village of Stickney (the "Village") not more than 30 nor less than 15 days before the hearing at which the amendment is considered, and that such a notice must be served by the applicant upon the owners of all property within 250 feet in each direction of the location for which the amendment is sought;
3. Although the notice requirement for any proposed text amendment can be satisfied solely by the publication of a newspaper notice, the Zoning Ordinance does not clearly define the notice requirements for proposed text amendments;
4. Pursuant to Section 12.10 of the Zoning Ordinance, which vests any member of the ZBA with the authority to initiate amendments to the Zoning Ordinance, the Chairman of the ZBA initiated certain text amendments described below (the "Amendments") to Sections 12.10 and 12.15 of the Zoning Ordinance in order to clarify that the required notice for a text amendment is solely the publication of a notice in a newspaper in general circulation in the Village of Stickney;
5. Specifically, the Chairman of the ZBA proposed amending Section 12.10 of the Zoning Ordinance as follows (shown by strikethroughs of text to be deleted and underlining of text to be added):

(a) The regulations and districts established by this ordinance may be amended from time to time by the board of trustees of the Village of Stickney.

Amendments may be initiated by a member of the board of trustees of the Village of Stickney, a member of the zoning board of appeals, or by any person owning or having an interest in property affected by a proposed amendment. Amendments shall be initiated by filing an application with the zoning administrator in such form as required by the zoning administrator.

The application for amendment shall be forwarded to the chairman of the zoning board of appeals who shall cause the zoning board of appeals to conduct a hearing on the proposed amendment. No hearing shall be conducted until after notice has been provided as required ~~in this ordinance~~ by section 12.10(b). After conducting a hearing and making findings as required herein, the zoning board of appeals shall recommend that the proposed amendment be granted or denied. The recommendation of the zoning board of appeals, together with the record of the hearing and findings, shall be forwarded by the zoning board to the village board within 15 days after the close of the hearing.

After receiving the recommendation from the zoning board of appeals, together with written findings and the record from the hearing on any proposed amendment, the village board shall adopt the proposed amendment, reject the proposed amendment or refer the amendment back to the zoning board for an additional hearing or modification.

If the zoning board recommends that the amendment be adopted and if no zoning protest objecting to the proposed amendment pursuant to section 12.15 of this ordinance is filed, the amendment may be adopted by a majority of the village board. If the proposed amendment is the subject of a protest pursuant to section 12.15 of this ordinance, or if it is not recommended by the zoning board of appeals, the proposed amendment may be adopted only by a favorable vote of two-thirds of the members of the village board then holding office.

(b) (i) Text Amendments. Notice of any hearing conducted relating to a proposed amendment to the text of this ordinance shall be published in a newspaper in general circulation in the Village of

Stickney not more than 30 nor less than 15 days before the hearing at which the amendment is considered. The notice shall contain the following information:

(1)The date and time of the hearing to be conducted by the zoning board of appeals and the location in which said hearing will be conducted.

(2)A statement describing the text amendment being considered by the zoning board of appeals.

(ii) Map Amendments. Notice of any hearing conducted relating to a proposed amendment to the zoning map (re-zoning) shall be provided as required by section 12.15 of this ordinance.;

6. The Chairman of the ZBA also proposed amending Section 12.15 of the Zoning Ordinance as follows (shown by strikethroughs of text to be deleted and underlining of text to be added):

Notice of any hearing conducted relating to appeal of a decision of an administrative official, a proposed variation, a proposed map amendment to this ordinance or a proposed special use shall be published in a newspaper in general circulation in the Village of Stickney not more than 30 nor less than 15 days before the hearing at which the appeal, proposed variation, map amendment or special use is considered. Further, said notice shall be served by the applicant (not more than 30 days or less than 15 days before any such hearing) upon the owners as recorded in the recorder of deeds or the registrar of titles for Cook County, or as appears from the authentic tax records of the county treasurer, of all property within 250 feet in each direction of the location for which the appeal, variation, map amendment or special use is sought; provided that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Service of said notice shall be either in person or by registered mail, return receipt requested.

The notice shall contain the following information:

- (1) The legal description and address of the property for which the appeal, variation, map amendment or special use is sought.
- (2) The name and address of the legal and beneficial owner(s) of the property for which the appeal, variation, map amendment or special use is sought.

- (3) The date and time of the hearing to be conducted by the zoning board of appeals and the location in which said hearing will be conducted.
- (4) A statement describing the decision sought and/or variation, map amendment or special use being considered by the zoning board of appeals.

If after a bona fide effort to determine the address of a person entitled to notice, the applicant for any appeal, variation, map amendment or special use, the owner of property on which the notice is served cannot be found at his last known address, or the last mailed notice is returned because the owner cannot be found at his last known address, the notice requirement of this ordinance shall be deemed satisfied. A copy of any notice sent pursuant to this section shall be served upon the zoning administrator.;

7. In accordance with the Illinois Compiled Statutes and the Zoning Ordinance, notice of a public hearing regarding the Amendments was published in one or more newspapers in general circulation the Village; and
8. At the abovementioned hearing, credible evidence was presented showing that:
 - (a) the Amendments will allow Village residents to be effectively notified of proposed amendments to the Zoning Ordinance by clarifying that the notice requirements for text amendments is the publication of the notice in a newspaper in general circulation in the Village;
 - (b) that the Amendments will remove ambiguity in the Zoning Ordinance and will ensure that the notice requirements are clear in the event that the Village or other qualified applicant seeks to amend the text of the Zoning Ordinance.;
 - (c) that the Amendments would ensure that the process for amending the Zoning Ordinance will continue to be economical for the Village and for any applicants seeking to amend the text of the Zoning Ordinance;
 - and (d) will allow for the Village to maintain an effective process for the administration of proposed text amendments to the Zoning Ordinance, all of which is in the public interest.

CONCLUSION

Testimony at the public hearing on the proposed Amendments demonstrated that the Amendments would be in the public interest and the best interests of the Village. Accordingly, the ZBA recommends approval of the Amendments.

Chairman of the Zoning Board of Appeals for the Village of Stickney