

**ORDINANCE NO. 2016-01**

**AN ORDINANCE AMENDING SECTIONS 12.10 AND 12.15 OF THE VILLAGE OF STICKNEY ZONING ORDINANCE – 1980, VILLAGE OF STICKNEY, ILLINOIS REGARDING NOTICE REQUIREMENTS FOR TEXT AMENDMENTS**

**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 12.10 of the Village of Stickney Zoning Ordinance – 1980 (the “Zoning Ordinance”) governs text amendments and map amendments to the Zoning Ordinance, and Section 12.15 of the Zoning Ordinance governs notice requirements for any text amendment or map amendment to the Zoning Ordinance; and

**WHEREAS**, pursuant to Section 12.10 of the Zoning Ordinance, which vests any member of the Village of Stickney Zoning Board of Appeals (the “ZBA”) with the authority to initiate amendments to the Zoning Ordinance, the Chairman of the ZBA initiated certain text amendments described herein (the “Amendments”) to Sections 12.10 and 12.15 of the Zoning Ordinance; and

**WHEREAS**, 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’s Board of Trustees (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 clarify that the notice requirement for text amendments is the publication of notice in a newspaper in general circulation in the Village in order to ensure that the notice requirements for text and map amendments to the Zoning Ordinance are clear; and

**WHEREAS**, in light of the above, the Village President (the “President”) and the Board of Trustees of the Village (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 Sections 12.10 and 12.15 of the Zoning Ordinance to clarify that the required notice for a text amendment is the publication in a newspaper in general circulation in the Village and to authorize the President or her 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 SECTIONS 12.10 AND 12.15 OF THE VILLAGE OF STICKNEY ZONING ORDINANCE – 1980**

#### **SECTION 4.0. AMENDMENT OF SECTION 12.10.**

That the Zoning Ordinance is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Section 12.10, which Section shall be amended as follows:

(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.

#### **SECTION 4.1. AMENDMENT OF SECTION 12.15.**

That the Zoning Ordinance is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Section 12.15, which Section shall be amended as follows:

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.

### **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 5th day of January, 2016.

**AYES:** Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

**NAYS:**

**ABSENT:**

**ABSTENTION:**

**APPROVED** by me this 6th day of January, 2016.

\_\_\_\_\_  
Deborah Morelli, President

ATTESTED AND FILED in my  
office this 6th day of  
January, 2016.

\_\_\_\_\_  
Audrey McAdams, Village Clerk



**EXHIBIT A**

**Findings of Fact and Recommendation**