

ORDINANCE NO. 2020-11

AN ORDINANCE APPROVING CERTAIN TEXT AMENDMENTS TO SECTIONS 3.02, 4.09, 4.12 AND 11.03 OF APPENDIX A OF THE VILLAGE OF STICKNEY CODE OF ORDINANCES TITLED “THE VILLAGE OF STICKNEY ZONING ORDINANCE—1980,” STICKNEY, ILLINOIS.

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 related to the effective and orderly development of property located within the Village; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, an application was filed by Hawthorne Race Course, Inc., 3501 South Laramie, Stickney, Illinois, 60402, requesting the certain amendments to the text (the “Amendments”) of the Appendix A of the Village of Stickney Code of Ordinances Titled “The Village of Stickney Zoning Ordinance—1980,” as amended (the “Zoning Ordinance”). The Amendments are summarized as follows:

- (a) A text amendment to Section 3.02 to create a definition for a “racino entertainment complex”; and
- (b) A text amendment to Section 4.09 of the Zoning Ordinance to exempt lots within the I-2 Heavy Industrial District from certain limitations on the number of buildings on lots pursuant to special use; and
- (c) A text amendment to Section 4.12 of the Zoning Ordinance to exempt the “racino entertainment complex” from certain building height restrictions pursuant to special use; and
- (d) A text amendment to Section 11.03 of Appendix A Zoning of the Zoning Ordinance to provide that a “racino entertainment complex” shall be a special use in the Heavy Industrial (I-2) zoning district;

WHEREAS, Section 12.10 of the Zoning Ordinance authorizes “any person owning or having an interest in property affected by a proposed amendment” to propose or initiate amendments to the Zoning Ordinance; and

WHEREAS, the ZBA held a public hearing (the “Public Hearing”) on June 24, 2020, pursuant to proper notice on the proposed Amendments; and

WHEREAS, the Public Hearing was held in-person and broadcast via Zoom.us (“Zoom”) as a result of the ongoing COVID-19 pandemic and in compliance with Public Act P.A. 100-0640; and

WHEREAS, at said Public Hearing, testimony and comment was given by the Applicant, the Applicant’s agents and representatives, and members of the public, and further multiple opportunities were given to the public to offer public comment or testimony both in person and via electronic methods, specifically through Zoom; and

WHEREAS, no protest to the proposed Amendments was filed pursuant to Section 12.16 of the Zoning Ordinance; and

WHEREAS, based on the testimony given at said Public Hearing, the ZBA made certain findings of fact and conclusions with respect to the Amendment and made a recommendation to the Village of Stickney's Board of Trustees (the "Village Board") that the Amendments be approved (collectively, the "Findings and Recommendation"); and

WHEREAS, a copy of the Findings and Recommendation is attached hereto as Exhibit A and is incorporated herein by reference as if set forth in full; and

WHEREAS, the Amendments would help develop an existing property in need of updating and allow for certain uses of the property not previously allowed that are congruous to certain existing special uses such as horse racing tracks, would allow for the orderly development of surrounding properties, and would potentially produce additional economic activity to the area thereby increasing revenue to the Village and thereby allowing the Village to provide certain services to the Village and its residents; and

WHEREAS, the Amendments further are not detrimental to the health, safety or welfare of the Village, will not injure the use and enjoyment of the surrounding property owners or reduce property values or disrupt the trends of development, and the Amendments will advance the orderly and economic development of the surrounding properties;

WHEREAS, in light of the above, the Amendments are in furtherance of the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Stickney, County of Cook, State of Illinois, in the exercise of its home rule powers as follows:

Section 1. Recitals. The foregoing recitals are herein incorporated and made a part of this Ordinance as if fully set forth herein.

Section 2. Approval of Text Amendments. The Findings and Recommendation is hereby adopted. The Village Board concurs with the Findings and Recommendation and, in accordance with the findings and conclusions stated therein, hereby approves the Amendments, as described below.

Section 3. Amendment to Section 3.02 of the Zoning Ordinance. Section 3.02 of the Village of Stickney Zoning Ordinance is hereby amended to create a definition for a "racino entertainment complex" by adding the underlined language as follows:

"A 'racino entertainment complex' is a complex or grounds that contains horse racing facilities (as such term is defined in the Illinois Horse Racing Act of 1975, 230 ILCS 5/1 et seq.), organization gaming facilities (as such term is defined in the Illinois Horse Racing Act of 1975, 230 ILCS 5/1 et seq. and the Illinois Gaming Act, 235 ILCS 10/1 et seq.), gaming facilities (as such term is defined in the Sports Wagering Act, 230 ILCS 45/1 et seq.), hotel, multi-purpose entertainment venue, parking garage and

additional off-street parking facilities, restaurants (including drive-thru and take-out facilities), catering establishments, bars, taverns, cocktail lounges, barns, residences, valet facility, other accessory uses as approved by special use, or any combination thereof."

Section 4. Amendment to Section 4.09 of the Zoning Ordinance. Section 4.09 of the Village of Stickney Zoning Ordinance is hereby amended by adding the underlined language as follows:

"Not more than one principal building shall be located on a zoning lot unless the zoning lot is located within the I-2 Heavy Industrial District and authorized by special use. No more than three accessory buildings shall be permitted on any zoning lot except (i) a residential district where no more than one accessory dwelling is permitted on any zoning lot, or (ii) in the I-2 Heavy Industrial District pursuant to special use."

Section 5. Amendment to Section 4.12 of the Zoning Ordinance. Section 4.12 of the Village of Stickney Zoning Ordinance is hereby amended by adding the underlined language as follows:

"All new buildings and structures shall conform to the regulations established herein for the district in which each building is located except the parapet walls, chimneys, cooling towers, elevator bulk heads, fire towers, stacks and necessary mechanical appurtenances, and structures and buildings within a racino entertainment complex pursuant to special use shall be permitted to exceed the maximum height requirements subject to the height limitations imposed by the Federal Aviation Administration."

Section 5. Amendment to Section 11.03 of the Zoning Ordinance. Section 11.03 of the Village of Stickney Zoning Ordinance is hereby amended by adding the underlined language adding the following special use to the Heavy Industrial (I-2) zoning district to appear in alphabetical order:

"Racino Entertainment Complex"

Section 6. Savings Clause. This Ordinance shall not affect suits pending or rights existing at the time this Ordinance takes effect. Such suits and rights shall continue in full force to the same extent and with like effect as if this Ordinance be taken, construed or held to avoid or impair any cause of action now existing under any ordinance of the Village, or any amendment thereto, but as to any consideration of action now existing, such ordinance and amendment thereto, shall be continued in full force and effect.

Section 7. Superseder. Other than as set forth in Section 6 above, all ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. 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 8. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

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Passed this day of June 30, 2020.

Jeff Walik, President

ATTEST:

Audrey McAdams, Village Clerk

Date of Passage: June 30, 2020

Date of Publication: June 9, 2020

EXHIBIT A

FINDINGS AND RECOMMENDATION