

ORDINANCE NO. ~~CO~~-2013-15

AN ORDINANCE APPROVING A ZONING CODE TEXT AMENDMENT RELATIVE TO THE MINIMUM SIZE OF AUTO-ORIENTED USES THROUGHOUT THE VILLAGE AND THE PERMITTING OF AUTO-ORIENTED USES IN THE BIP BUSINESS INDUSTRIAL PARK ZONING DISTRICT

WHEREAS, the Village of Maywood adopted a new zoning ordinance in April, 2010 (the "Zoning Ordinance"), which has been amended from time to time; and

WHEREAS, a petition for the granting of a text amendment to the Zoning Ordinance to allow motor vehicle sales, rental and repair operations as permitted uses in the BIP Business Industrial Park Zoning District and to decrease the minimum size of such auto-oriented uses throughout the Village (the "Text Amendment") has been filed with the Village of Maywood by Petitioner the Village of Maywood; and

WHEREAS, the proposed Text Amendment, which will have general applicability in part throughout the Village and in other cases solely in the BIP Business Industrial Park zoning district within the Village, has been referred to the Plan Commission/Zoning Board of Appeals ("Plan Commission") of the Village and has been processed in accordance with the Zoning Code; and

WHEREAS, said Plan Commission held a public hearing on the question of whether the requested Text Amendment should be granted on January 22, 2013, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing; and

WHEREAS, on January 22, 2013, the Plan Commission voted to favorably recommend the requested Text Amendment to the Village President and Board of Trustees of the Village of Maywood; and

WHEREAS, the Village is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs. The Village is also authorized to enact and amend zoning regulations pursuant to Section 11-13-1.1 of the Illinois Municipal Code (65 ILCS 5/11-13-1.1); and

WHEREAS, the Plan Commission of this Village has reported its findings and recommendations regarding the Text Amendment to this Village President and Board of Trustees, and this Village President and Board of Trustees has duly considered said report and findings and recommendations; and

WHEREAS, the President and Board of Trustees, pursuant to their statutory zoning powers, home rule powers and the findings and recommendation of the PC/ZBA, have determined that it is in the best interests of the health, welfare and safety of residents of the Village to adopt the Text Amendment as set forth below.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Maywood, Cook County, Illinois, as follows:

SECTION 1: The Village President and Board of Trustees of the Village of Maywood approve and adopt the findings of fact and recommendation of the PC/ZBA, a copy of which is attached hereto as **Exhibit A**, and incorporate such findings and recommendation by reference as if fully set forth herein.

SECTION 2: A portion of Table 9.1 of the Zoning Ordinance is amended relative to auto-oriented (motor vehicle) facilities to read in its entirety as follows:

VILLAGE OF MAYWOOD, ILLINOIS			
TABLE 9-1: OFFICE PARK AND MANUFACTURING ZONING DISTRICTS PERMITTED & SPECIAL USES			
<i>S = Special Use P = Permitted Use</i>			
USE	DISTRICT		SPECIFIC USE STANDARDS
	B1P	M-1	
COMMERCIAL USES			
<u>Motor Vehicle Dealership</u>	P		<u>Section 11.3.M</u>
<u>Motor Vehicle Rental Establishment</u>	P		<u>Section 11.3.M</u>
Motor Vehicle Service and Repair	P	P	Section 11.3.N

SECTION 3: Section 11.3 (Use Standards), subsection M. (Motor Vehicle Dealership or Motor Vehicle Rental Establishment), is amended to read in its entirety as follows:

"M. Motor Vehicle Dealership or Motor Vehicle Rental Establishment

Motor vehicle dealerships or rental establishments shall have a minimum lot size of ~~twenty~~ five thousand (205,000) square feet. Any service and repair facilities must also comply with the standards of Paragraph N (Motor Vehicle Service and Repair) below."

SECTION 4: Section 11.3 (Use Standards), subsection N. (Motor Vehicle Service and Repair), is amended to read in its entirety as follows:

"N. Motor Vehicle Service and Repair

1. Motor vehicle service and repair establishments shall have a minimum lot size of ~~twenty~~ five thousand (205,000) square feet.

2. All driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.

3. All repair operations shall be fully enclosed. Motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than fifteen (15) days. Wrecked or junked vehicles shall not be stored for longer time periods than those specified in this section and shall be screened from the public right-of-way and any adjacent residential districts.

4. Motor vehicle service and repair shops may also include gas stations as an accessory use. All gas stations which are part of such an establishment must comply with the regulations of Paragraph J (Gas Station) above."

SECTION 5: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 6: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 7: Except as to the Text Amendment set forth above in this Ordinance, all Chapters and Sections of the Zoning Ordinance of the Village of Maywood, as amended, shall remain in full force and effect.

SECTION 8: This Ordinance shall be in full force and effect from and after its adoption, approval and publication as provided by law.

ADOPTED this 13 day of March, 2013, pursuant to a roll call vote as follows:

AYES: Mayor Yarbrough Sr., Trustee(s) G. Guzman, A. Jaycox
~~E. Perkins and R. Rivers~~

NAYS: None

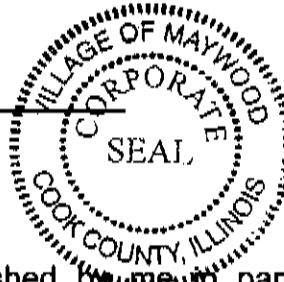
ABSENT: Trustee M. Lightford

APPROVED by me this 13 day of March, 2013, and attested to by the Village Clerk this same day.


VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK



This Ordinance was published by me in pamphlet form on the 13 day of March, 2013.


VILLAGE CLERK

EXHIBIT A

**FINDINGS OF FACT
(ATTACHED)**

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Gary Woll, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-2013-15

AN ORDINANCE APPROVING A ZONING CODE TEXT AMENDMENT ALLOWING DRIVE-THROUGH FACILITIES AS A SPECIAL USE IN C-2 PEDESTRIAN-ORIENTED COMMERCIAL ZONING DISTRICTS

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 13 day of March, 2013, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 13 day of March, 2013.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Yarbrough Sr., Trustee(s) G. Guzman, A. Jaycox, E. Perkins and R. Rivers

NAYS: None

ABSENT: Trustee M. Lightford

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 13 day of March, 2013.

[SEAL]



Gary Woll
Village Clerk