

ORIGINAL

ORDINANCE NO. CO-2014-41

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
THE MAYWOOD ZONING ORDINANCE RELATIVE TO VOCATIONAL SCHOOLS AND
TRAINING ACADEMIES**

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

WHEREAS, vocational school uses are currently authorized as special uses only in the Institutional Zoning District; and

WHEREAS, the Board of Trustees has recently considered whether it is advisable to also allow vocational schools and training academies, whether for-profit or not-for-profit, as a special use in the C-2 Pedestrian-Oriented Zoning District as a special use, as such schools and academies are different in key ways from other types of educational facilities, and are appropriate for location in the C-2 Zoning District; and

WHEREAS, the Board of Trustees has referred a Petition for a proposed Text Amendment relative to this issue (the "Text Amendment") to the Village's Plan Commission and Zoning Board of Appeals (PC/ZBA) for consideration; and

WHEREAS, the Petition has been referred to the PC/ZBA of the Village and has been processed in accordance with the Zoning Ordinance; and

WHEREAS, said PC/ZBA held a public hearing on the question of whether the proposed Text Amendment should be granted on October 28, 2014, 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 October 28, 2014, the PC/ZBA voted to favorably recommend the proposed Text Amendment to the President and Board of Trustees of the Village of Maywood; and

WHEREAS, the PC/ZBA of this Village has reported its findings and recommendations regarding the Text Amendment to this President and Board of Trustees, and this President and Board of Trustees has duly considered said report and findings and recommendations, a copy of which is attached hereto as **Exhibit "A"** and made a part hereof; 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 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14); and

WHEREAS, the President and Board of Trustees, pursuant to their statutory zoning powers, home rule powers, and the report, 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 President and Board of Trustees of the Village of Maywood approve and adopt the report, findings of fact and recommendations of the PC/ZBA, a copy of which is attached hereto as **Exhibit "A"**, and incorporate such report, findings of fact and recommendations by reference as if fully set forth herein.

SECTION 2: Table 8-1 (Commercial Districts Permitted & Special Uses) of Section 8.2 (Permitted and Special Uses) of the Zoning Ordinance is amended by adding a Government and Educational Use as follows:

VILLAGE OF MAYWOOD, ILLINOIS					
TABLE 8-1: COMMERCIAL DISTRICTS PERMITTED & SPECIAL USES					
<i>S = Special Use P = Permitted Use</i>					
Use	Zoning District				Specific Use Standards
	C-1	C-2	C-3	C-4	
<u>GOVERNMENT AND EDUCATIONAL USES</u>					
<u>Educational Facilities, Vocational School</u>		<u>S</u>			

SECTION 3: The definition of "Educational Facility, Vocational School" in Section 17.4 (Generic Use Definitions) of the Zoning Ordinance is amended to read in its entirety as follows:

"Educational Facility, Vocational School or Training Academy. A school established to provide for the training and instruction of industrial, clerical, managerial, artistic, or other occupational or job skills, and/or training academies focused primarily on the instruction in dance, music, drama, gymnastics, martial arts, or other similar pursuits. This definition applies to schools that are owned and operated privately for-profit or operated as a not-for-profit, and that do not offer a complete educational curriculum. "Educational Facilities, Vocational School or Training Academy" shall not include "Educational Facilities, College/University or Primary or Secondary Educational Facilities."

SECTION 4: The term "Educational Facility, Vocational School" as it appears in Table 13-1 of the Zoning Code is amended to read "Educational Facility, Vocational School or Training Academy."

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 Amendments 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 17th day of November, 2014, pursuant to a roll call vote as follows:

AYES: Trustee(s) A. Jaycox, M. Rogers, M. Lightford, and R. Rivers.

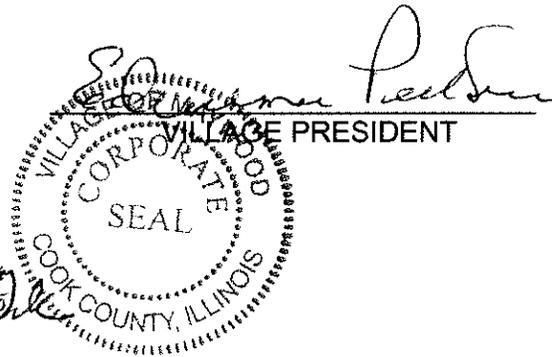
NAYS: None

ABSENT: Mayor Perkins, Trustee(s) C. Ealey-Cross and A. Dorris

APPROVED by me this 20th day of November, 2014, and attested to by the Village Clerk this same day.

ATTEST:

Viola Mims by J. Ann Murphy
VILLAGE CLERK Deputy Clerk



This Ordinance was published by me in pamphlet form on the 20th day of November, 2014.

Viola Mims by J. Ann Murphy
VILLAGE CLERK Deputy Clerk

EXHIBIT "A"

**REPORT, FINDINGS OF FACT AND RECOMMENDATIONS
FROM MAYWOOD PLAN COMMISSION/ZONING BOARD OF APPEALS
DATED OCTOBER 28, 2014**

(attached)



**FINDINGS OF FACT AND RECOMMENDATIONS OF THE
PLAN COMMISSION/ZONING BOARD OF APPEALS TO
THE PRESIDENT AND BOARD OF TRUSTEES**

November 12th, 2014

PC/ZBA Case # 14-007 the Village of Maywood desires to present, to the public, consideration to amend the text of the Maywood Zoning Ordinance as it relates to Vocational Schools and Training Academies in the C-2 (Pedestrian-Oriented Commercial) Zoning District. Under this text amendment, the Village desires to revise the language of Sections 8.2, Table 8.1 (Commercial District Permitted & Special Uses) and Section 17.4 (Generic Use Definitions) in order to allow Vocational Schools and Training Academies as a permitted Special Use in the C-2 Zoning District.

Pursuant to Section 4.2.E.2 (Text amendment) of the Zoning Ordinance, text amendments are permitted after a public hearing has been undertaken by the Plan Commission Zoning Board of Appeals to hear evidence and make a recommendation to the Village Board on its findings.

PC/ZBA Case #14-007

PETITIONER: The Village of Maywood

APPLICATION: For a Text Amendment of Table 8-1, of Section 8.2 (Commercial District Permitted & Special Uses) and 17.4 of the 2010 Maywood Zoning Ordinance as it relates to Vocational Schools, Educational Facilities in the C-2 District.

RECOMMENDATION: Following a public hearing held on October 28th, 2014, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of this Text amendment and submits proposed language to be considered on the amendment of Table 8-1 and Section 17.4 with a vote of 5-1-1.

BACKGROUND: The Village of Maywood has received requests from Maywood Fine Arts and Wild Hair Salon to open Vocational Schools-Training Academies in the C-2 District. Currently, Vocational Schools are only allowed in the I (Institutional) District. The definition of Vocational Schools would be amended to the following:

“Educational Facility, Vocational School or Training Academy. A school established to provide for the teaching, training and instruction of industrial, clerical, managerial-~~or~~, artistic, or other occupational or job skills, and/or training academies focused primarily on the instruction in dance, music, drama, gymnastics, martial arts, or other similar pursuits. This definition applies to schools that are owned and operated privately for-profit or operated as a not-for-profit, and that do not offer a complete educational curriculum. “Educational Facilities, Vocational School or Training Academy” shall not include “Educational Facilities, College/University or Primary or Secondary Educational Facilities.”

In addition, Table 8-1 of of Section 8.2 would be amended to authorize Vocational School or Training Academies are special uses in the C-2 Zoning District.

PUBLIC HEARING: At a special public hearing held on October 28th, 2014 on this matter, Staff (Karl Palmquist) presented a brief summary of the staff report containing the request for consideration as received by the Community Development Department.

Mr. Palmquist completed his presentation and took a few questions from the Commissioners.

Commissioner Ratley questioned the reason for the text amendment and inquired if spot zoning would occur because of the new text amendment. Attorney Marrs indicated that it would not be spot zoning because we were making a designation that would apply District-wide.

Commissioner Ratley inquired about the applicants providing money to the tax base. Attorney Marrs stated that while some schools might be non-profit, others would be for-profit, and would be paying taxes.

Commissioner Stelnicki stated that she has seen Vocational Schools and Training Academies in Commercial Districts in other municipalities such as River Forest and that the Schools and Academies appear to be compatible with downtown Commercial Districts.

Commissioner Lira added that new applications for Vocational Schools in the C-2 District would need to be heard and voted upon by the Planning Commission and Village Board as a special use.

Chairman Christian opened the floor to any persons willing to speak on this matter.

With no other question or comments the public hearing was closed.

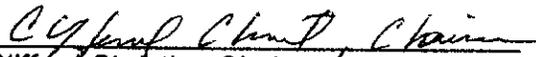
Following the close of the public hearing, a motion was made by Commissioner Lira and seconded by Commissioner Stelnicki to adopt the language of the proposed ordinance, submitted by staff.

The PC/ZBA approved the motion on a vote of 5-1-1.

FINDINGS: The PC/ZBA makes the following Findings as to the proposed Text Amendment:

1. **The degree to which the proposed amendment has general applicability within the Village at large and is not intended to benefit specific property.** The Commission found that while the text amendment was precipitated by requests from two different entities, the changes would apply District-wide and would be beneficial to the C-2 areas.
2. **The consistency of the proposed amendment with the objectives of the Zoning Ordinance and the intent of any applicability zoning district regulations.** The Commission found the requested change would further the intent of the C-2 District regulations by drawing people to the commercial district.
3. **The degree, if any, to which the proposed amendment would create nonconformity.** The Commission did not find the request would create non-conformity potential within the C-2 zoning districts of the Village.

RECOMMENDATIONS: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, by a vote of 5-1-1, recommends to the President and Board of Trustees that the requested Text Amendment for a change in the language for Sections 8.2, Table 8-1 (Commercial District Permitted & Special Uses) and Section 17.4 (Generic Use Definitions) be approved as recommended by a vote of 5-1-1,

Signed: 
Clifford Christian Chairman
Plan Commission/Zoning Board of Appeals
Village of Maywood

