

ORIGINAL

ORDINANCE NO. CO-2016-21

**AN ORDINANCE AMENDING THE MAYWOOD ZONING ORDINANCE
RELATIVE TO NOTICE REQUIREMENTS FOR PUBLIC HEARINGS**

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, Section 3.3 of the Zoning Ordinance currently sets forth certain notice requirements for public hearings to be held before the Plan Commission/Zoning Board of Appeals; and

WHEREAS, the Board of Trustees has previously discussed certain text amendments (the "Text Amendments") designed to make the notice process less complicated and less expensive for petitioners, while still providing due process on requests for zoning relief in the form of notice to affected parties, and have referred a Petition for proposed Text Amendments relative to this issue to the Village's Plan Commission and Zoning Board of Appeals ("PC/ZBA") for consideration; and

WHEREAS, upon referral, the Petition has been processed in accordance with the Zoning Ordinance; and

WHEREAS, said PC/ZBA held a public hearing on August 30, 2016 (continued from previous dates due to lack of a quorum), on the question of whether the proposed Text Amendments should be adopted, 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 August 30, 2016, the PC/ZBA voted unanimously to favorably recommend the proposed Text Amendments, with certain revisions, to the President and Board of Trustees of the Village of Maywood; and

WHEREAS, the PC/ZBA of the Village has reported its findings and recommendation regarding the Text Amendments to the President and Board of Trustees, and the President and Board of Trustees have duly considered said report, findings of fact and recommendation, 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 of fact 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 Amendments, with certain revisions recommended by the PC/ZBA, 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 recommendation 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: Section 3.3 (Notice) of the Zoning Ordinance is amended to read in its entirety as follows:

3.3 NOTICE

A. Published Notices

For all applications that require a public hearing, the Village shall publish notice in a newspaper published in the Village, or if no newspaper is published in the Village, in a newspaper of general circulation within the Village. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property, as well as a brief statement of the zoning relief sought. Such notice shall be published no less than fifteen (15) days, nor more than thirty (30) days, in advance of the scheduled hearing date. The Village shall post the public hearing notice on the Village's website.

B. Mailed Notice

1. All public hearings for variances, special uses and map amendments require written notice, on forms provided by the Zoning Administrator, to be mailed no less than fifteen (15), but not more than thirty (30), days prior to the public hearing to the "owners/occupants" at the property address, and to the taxpayers of record as shown in the on-line records of the Cook County Treasurer of all properties located within two hundred fifty (250) feet from each of the property lines of the subject property in the case of variances and special uses, and one hundred feet (100 feet) in the case of map amendments. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property.

2. The applicant shall be responsible for mailing proper notice. Notice shall be sent by certified mail, properly addressed to the “owners/occupants” at the property address, and to the taxpayers of record, as shown in the on-line records of the Cook County Treasurer, with sufficient postage affixed thereon and with return-receipt requested. The applicant shall provide an affidavit to the Village stating that notice was mailed to every property within two hundred fifty (250) feet of each of the property lines of the subject property in the case of variances and special uses, and one hundred feet (100 feet) in the case of map amendments. The applicant shall also provide the Village with a list of names, addresses and property identification numbers (PIN) of all notice recipients.
3. Giving notice pursuant to this section shall not be construed to prevent the applicant from giving such additional notice as he/she may deem appropriate.
4. The body conducting the hearing shall hear no application unless the applicant complies in all respects with all notice requirements.

C. Posted Sign Notices

The Village shall post a sign on the subject property for all public hearings for variances, special uses and map amendments in accordance with the following provisions:

1. Location and Time Period for Posting Signs

The required posting period shall be no less than fifteen (15) consecutive days, but no more than thirty (30) days, prior to the public hearing (excluding the day of the hearing from this period). The sign shall be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to passing pedestrians and motorists. Properties with more than one (1) street frontage shall be required to post one (1) sign visible from each street frontage. Where multiple contiguous properties or areas are the subject of a proposed map amendment, signs need not be posted on each individual property, but instead may be posted at points of entry and other prominent locations within the perimeter of the area or as otherwise deemed necessary by the Director of Community Development.

2. Responsibility for Posting Signs

The Village shall provide and erect the sign on the property. The applicant must maintain the sign during the required period.

3. Failure to Post

Staff shall take a picture of the sign after posting. Failure to post for the required time or where signs are compromised due to vandalism, weather, accidental damage, removal by third parties, or for other reasons shall not constitute grounds for suspension or continuance of the approval process or otherwise act to invalidate any action taken.

D. Public Examination and Copying of Applications and Other Documents

During normal business hours, any person may examine the application and material submitted in support of, or in opposition to, the application, subject to the exceptions set forth in the Illinois Freedom of Information Act, as amended (5 ILCS 140/1 et seq.). Upon reasonable request, any person shall be entitled to copies of the application and related documents. The Zoning Administrator shall make copies of such materials available for a fee specified by the Village.

SECTION 3: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 4: 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 5: 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 6: This Ordinance shall be in full force and effect from and after its adoption, approval and publication as provided by law.

ADOPTED this 4th day of October, 2016, pursuant to a roll call vote as follows:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, M. Rogers and R. Rivers.

NAYS: None.

ABSENT: Trustee(s) A. Dorris and M. Lightford.

APPROVED by me this 5th day of October, 2016, and attested to by the Village Clerk this same day.

ATTEST:


Viola Minsby J. Alan Murphy
VILLAGE CLERK Deputy Clerk

Edwenna Perkins
VILLAGE PRESIDENT

This Ordinance was published by me in pamphlet form on the 5th day of October, 2016.

Viola Minsby J. Alan Murphy
VILLAGE CLERK Deputy Clerk

EXHIBIT "A"

**REPORT, FINDINGS OF FACT AND RECOMMENDATION
FROM MAYWOOD PLAN COMMISSION/ZONING BOARD OF APPEALS**

(attached)



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

August 30, 2016

Case #16-003

In **PC/ZBA Case # 16-003**, the Village of Maywood seeks to amend the Zoning Ordinance relative to Notice Requirements for Public Hearings.

PETITIONER: Village of Maywood.

APPLICATION: Text Amendments to Section 3.3 of the Zoning Ordinance of the Village of Maywood Relative to Notice Requirements for Public Hearings on Zoning Relief, including Special Uses, Variations, Rezoning/Map Amendments and Text Amendments)

BACKGROUND: At the April 13, 2016, LLOC Meeting, the Village Board authorized consideration by the Plan Commission/Zoning Board of Appeals ("PC/ZBA") of certain text amendments to the Village's existing notice requirements for zoning public hearings. Pursuant to that direction, the PC/ZBA held a public hearing on August 30, 2016 (the Public Hearing was originally noticed for May 24, 2016, but was continued on that date, and on June 28 and July 26 due to lack of a quorum). On August 30, the PC/ZBA concluded the Public Hearing and considered the proposed amendments.

SUMMARY OF REQUEST AND RECOMMENDATION: The Proposed Text Amendments are to Section 3.3 of the Maywood Zoning Ordinance, which are the Notice Requirements for public hearings for special use, variation and map and text amendment requests before the PC/ZBA. On August 30, the PC/ZBA concluded the Public Hearing and considered the Proposed Amendments. The Amendments were recommended for approval, with certain revisions, on a unanimous vote of 6-0.

PUBLIC HEARING: At the public hearing held on August 30, 2016 Staff presented a brief summary of the Proposed Text Amendments. The Proposed Text Amendments included:

- Doing away with the requirement to give notice to "owners as shown in the records of the Cook County Recorder" within the affected area in favor of providing notice to "owners/occupants" of properties within the affected area.
- The requirement to provide notice to tax payers of record remains, but the word "on-line" is added to indicate that an applicant can rely on the addresses as shown in the Treasurer's website.
- Decreasing the 350 foot requirement to 250 feet for variations and special uses, and to 100 feet for map amendments.

- Clarifying that where multiple properties are being rezoned, signs need not be posted on every affected property, but instead must merely be posted in prominent locations at the perimeter of the affected area.
- Making other minor changes to the sign posting provisions to clarify that the proceedings are not affected in cases where signs are not posted for the required time, or are vandalized, destroyed by weather, stolen or otherwise compromised.

It was noted that the LLOC had felt it was important to keep the certified mail requirement for notices, and that existing requirement was not, therefore, proposed to be changed.

Staff explained that the changes are intended to make the public hearing notice procedure less complicated and less expensive for petitioners, while still ensuring adequate notice for interested parties. It was noted that the 350 foot distance requirement exceeded the distance requirements set forth in State law.

Next Chairman Christian opened the floor to the public for any input on this matter. One business owner was present. He testified concerning his particular property and its rezoning following the adoption of the Comprehensive Plan in 2010. He is eager to have the property returned to its previous zoning designation. No other residents or citizens were present to speak for or against the matter. The Public hearing was closed.

Chairman Christian opened the floor to discussion with the PC/ZBA Commissioners. Following discussion, the PC/ZBA reached a consensus on several revisions to the proposed amendments. Specifically, the PC/ZBA wanted to include in the Proposed Text Amendments a requirement that the Village post a copy of all PC/ZBA public hearing notices on the Village website. The proposed requirement that signs be posted at "prominent locations at the perimeter of an area" where multiple contiguous properties were proposed for rezoning was revised to "points of entry and other prominent locations within the perimeter of the area" being rezoned. Finally, the PC/ZBA wanted to add a requirement that staff take a picture of a sign posted at the subject property for public hearings, so the Village had proof of posting regardless of whether the sign was later stolen or vandalized.

Commissioner Ratley motioned for approval of the Proposed Text Amendments with the revisions as suggested by the PC/ZBA. The motion was seconded by Commissioner Stelnicki.

The Motion carried on a unanimous vote of 6-0-0.

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 the request, being Village wide does not benefit any specific property.

2. **The consistency of the proposed amendment with the objectives of the Zoning Ordinance and the intent of any applicable zoning district regulations.** The Commission found the requested changes would be consistent with the objectives and intent of the Zoning Ordinance, and would make administration of the Zoning Ordinance and process for petitioners who request public hearings less expensive and simpler, while still providing adequate due process to persons who may be affected by the change.
3. **The degree, if any, to which the proposed amendment would create nonconformity.** The Commission did not find the request to create non-conformity potential within the zoning districts of the Village.

SUMMARY OF RECOMMENDATIONS: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, by a unanimous vote of 6-0-0, recommends to the President and Board of Trustees that the Proposed Text Amendments, with the revisions made by the PC/ZBA, be approved. The Proposed Text Amendments, with the revisions made by the PC/ZBA, consist of the following:

- Doing away with the requirement to give notice to "owners as shown in the records of the Cook County Recorder" within the affected area in favor of providing notice to "owners/occupants" of properties within the affected area.
- The requirement to provide notice to tax payers of record remains, but the word "on-line" is added to indicate that an applicant can rely on the addresses as shown in the Treasurer's website.
- Decreasing the 350 foot requirement to 250 feet for variations and special uses, and to 100 feet for map amendments.
- Clarifying that where multiple properties are being rezoned, signs need not be posted on every affected property, but instead must merely be posted at points of entry and other prominent locations within the perimeter of the affected area.
- Making other minor changes to the sign posting provisions to clarify that the proceedings are not affected in cases where signs are not posted for the required time, or are vandalized, destroyed by weather, stolen or otherwise compromised. Staff shall take a photograph of the sign when posted as proof of posting.
- The Village shall post all PC/ZBA public hearing notices on its website.

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

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Viola Mims, 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-2016-21

**AN ORDINANCE AMENDING THE MAYWOOD ZONING ORDINANCE
RELATIVE TO NOTICE REQUIREMENTS FOR PUBLIC HEARINGS**

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 4th day of October, 2016, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 5th day of October, 2016.

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 Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, M. Rogers and R. Rivers.

NAYS: None.

ABSENT: Trustee(s) A. Dorris and 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 5th day of October, 2016.



[SEAL]

Viola Mims by John Murphy
Viola Mims, Village Clerk
Deputy Clerk