

ORDINANCE NO. CO-2013-16

AN ORDINANCE APPROVING A ZONING CODE TEXT AMENDMENT RELATIVE TO REGULATION OF ROLLING SECURITY SHUTTERS IN THE VILLAGE'S COMMERCIAL AND OTHER NON-RESIDENTIAL ZONING DISTRICTS

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 permit rolling security shutters on business façades in the commercial zoning districts of the Village subject to certain regulations (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 throughout the commercial zoning districts 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: Section 8.4 (Commercial District Design Standards), subsection B. (Fenestration) is amended to read in its entirety as follows:

"B. Fenestration

1. Windows shall be set back into or projected out from the façade to provide depth and shadow. Windows shall include visually prominent sills or other appropriate forms of framing. Awnings or shutters should be used to accentuate window openings and add interest to the design of the structure.
2. When the ground floor of a structure is designed for non-residential use, the ground floor shall maintain a transparency of sixty percent (60%). Windows shall be constructed of clear or lightly tinted glass. Tinting above twenty percent (20%) or reflective glass is prohibited.
3. For all commercial uses situated on the first or ground floor, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or doors facing the street or inside the premises that prevents a clear view into the interior of the premises from the public right-of-way at all times. No booth, screen, partition or other obstruction, or any arrangement of lights or lighting, shall be permitted in or about the interior of such premises that prevents a full view of the entire interior of such premises from the public right-of-way. This prohibition does not apply to temporary backdrops in buildings owned by the Village, rolling security shutters approved in compliance with subsection 4 below, or to structures that are under construction or are being rehabilitated so long as a valid building permit has been obtained and is displayed.
4. Rolling Security Shutters are permitted on the ground floor of building elevations fronting a public street in the Village's non-residential zoning district façades only when such shutters comply with all of the following:
 - a. Rolling security shutters may not display any signage or artwork;

- b. Rolling security shutters must be concealed from view to the greatest extent possible when not in use by an awning, architectural features or other method;
- c. Buildings where rolling security shutters are installed must maintain an active fire alarm system and be an active participant at all times in the Village's wireless fire alarm program;
- d. Rolling security shutters cannot be of a bright metal construction, and must be complimentary or similar (but not identical) in color to the façade of the building on which they are installed; and
- e. No part of the rolling security shutters shall be mounted or installed in a manner that damages or obscures architectural, historic or decorative materials on existing buildings."

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 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 6: 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 and R. Rivers

NAYS: Trustee E. Perkins

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)**

