

ORDINANCE NO. CO-2014-23

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
THE MAYWOOD VILLAGE CODE AND VILLAGE OF MAYWOOD ZONING
ORDINANCE RELATIVE TO HEAVY RETAIL USES**

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, Heavy Retail and Service Establishment are currently authorized as special uses in the C-3 and BIP Zoning Districts, and are allowed as permitted uses in the M-1 Manufacturing Zoning District; and

WHEREAS, the Board of Trustees has recently considered whether it is advisable to also allow heavy retail uses in the C-4 Town Center Zoning District as a special use, and have 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 June 24, 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 June 24, 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 relative to "Heavy Retail, Rental and Service" uses to read in its entirety 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 | |
| COMMERCIAL USES | | | | | |
| Heavy Retail, Rental and Service | | | S | S | |

SECTION 3: Section 17.4 ("Generic Use Definitions") of the Zoning Ordinance is further amended to add the following sentence at the end of the definition "Retail Goods Establishment": "Such establishments do not include 'Convenience Stores' or other retail uses separately defined herein."

SECTION 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 5: 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 6: 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 7: This Ordinance shall be in full force and effect from and after its adoption, approval and publication as provided by law.

ADOPTED this 15th day of July, 2014, pursuant to a roll call vote as follows:

Ayes: President Pro Tem, Trustee A. Jaycox, Trustee(s) C. Ealey-Cross, A. Dorris, M. Rogers, M. Lightford, and R. Rivers

Nays: None

Abstain: None

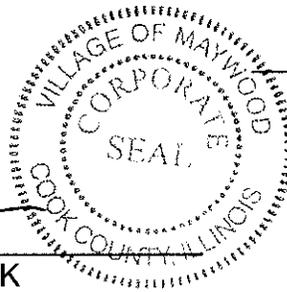
Absent: Mayor Edwenna Perkins

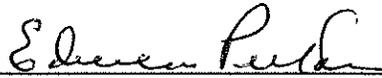
APPROVED by me this 26th day of July, 2014, and attested to by the Village Clerk this same day.

ATTEST:



VILLAGE CLERK





VILLAGE PRESIDENT

This Ordinance was published by me in pamphlet form on the 26th day of July, 2014.



VILLAGE CLERK

EXHIBIT "A"

**REPORT, FINDINGS OF FACT AND RECOMMENDATIONS
FROM MAYWOOD PLAN COMMISSION/ZONING BOARD OF APPEALS
DATED JUNE 24, 2014**

(attached)

Village of



MAYWOOD

Finding Facts

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

RE: PBA Case#14-004

On June 24, 2014, the Maywood Plan Commission/Zoning Board of Appeals held a Public Hearing to hear testimony and evidence on proposed text amendments to the Maywood Zoning Ordinance ("Zoning Code") relative to allowing uses defined as heavy retail and service establishment uses in the C-4 Town Center Zoning District.

APPLICANT INFORMATION

APPLICANT(S): Village of Maywood
40 W. Madison Street
Maywood, IL 60153

BACKGROUND: The Maywood Zoning Ordinance defines "Heavy Retail and Service Establishment" as "retail and/or service (including rental) establishments that have regular outdoor service or storage areas, or partially enclosed structures including, but not limited to, large-scale home improvement centers, lumberyards, heavy equipment rental and leasing, heavy equipment and truck repair and inspection, and playground equipment sales and rental." Currently, heavy retail uses are special uses in the C-3 General Commercial Zoning District and BIP Business Industrial Park Zoning District, and a permitted use in the M-1 General Manufacturing Zoning District.

Stockyard Brick, LLC and OBI Deconstruction, LLC, have purchased the former Saltzmann Printing facility at 50 Madison and desire to operate a retail establishment selling reusable building materials at that location. Due to the nature of that business, including its outdoor storage component, it is a heavy retail use. 50 Madison is currently zoned C-4 Town Center, and heavy retail uses are not allowed in such a zoning district. The proposed zoning amendments will allow heavy retail uses in the C-4 Zoning District as a special use. If these zoning amendments are approved, the request of Stockyard Brick to operate its heavy retail use at the 50 Madison site could then be considered.

The Village of Maywood's President and Board of Trustees forwarded this matter to the Plan Commission/Zoning Board of Appeals for a public hearing after general discussions on this topic at the Legal, License and Ordinance Committee.

A copy of the Proposed Text Amendments is attached hereto as **Exhibit A** and made a part hereof.

PUBLIC HEARING:

At the public hearing held on June 24, 2014, staff and the Village Attorney presented the proposed text amendments.

The PC/ZBA had already heard, at the previous public hearing on the Stockyard Brick, LLC special use, a presentation by Stockyard Brick on their proposed use. The nature of the C-4 Zoning District, and the appropriateness of allowing heavy retail in the C-4 where it might be visible from Madison or 1st Avenue were all discussed.

It was the consensus of the PC/ZBA that because heavy retail was proposed to be allowed in the C-4 District only as a special use, the Village would have an opportunity to review the Stockyard Brick, LLC and any future requests as a special use, and to therefore place appropriate conditions on the use, including conditions related to screening and location of outdoor storage areas.

Following the close of the public hearing, a motion to recommend approval of the proposed text amendments was made by Commissioner Ratley, and seconded by Commissioner Vallow. The vote on the motion was as follows:

- Ayes 5
- Nays 0
- Abstention 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.** While the request was brought in the context of an application for a specific company, the applicability of the change is Village-wide throughout the C-4. The appropriateness of allowing heavy retail uses in the C-4 was discussed and considered by the PC/ZBA.
2. **The consistency of the proposed amendment with the objectives of the Zoning Code and the intent of any applicable zoning district regulations.** The PC/ZBA, after discussion, found the requested changes to be consistent with the nature and purpose of the C-4 Zoning District, the public health, safety, comfort and general welfare of the people and property owners of the Village, and with the other objectives of the Zoning Code.

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. Instead, the proposed amendments will allow a wider variety of uses in the C-4 Zoning District, which may spur redevelopment in areas with that zoning designation. The amendment would not create any nonconformities.

RECOMMENDATION: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, recommends to the Village President and Board of Trustees that the proposed Text Amendments relative to allowing heavy retail and service establishments as special uses in the C-4 Town Center Zoning District, a copy of which is attached hereto as Exhibit A and made a part hereof, be approved.

Signed: _____

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

DRAFT 7-2-14

**(additions to existing text marked using underlining;
deletions to existing text marked using ~~strikethrough~~)**

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ADOPTED this ___ day of _____, 2014, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ___ day of _____, 2014, 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 ___ day of _____, 2014.

VILLAGE CLERK

ACKNOWLEDGMENT BY PETITIONER

I, as an authorized officer of the Petitioner under the Petition for Special related to Property located at 50 Madison, Maywood, Illinois, certify that I have read and fully understand each and every term, provision and condition contained in the foregoing Ordinance granting the special use relative to site development and operation of a heavy retail use with outdoor storage on the Property, as specifically set forth above in Section 2 above, and, on behalf of Petitioner, voluntarily accept and agree to be bound by same.

Stockyard Brick, LLC/OBI Deconstruction, LLC

By: _____

Printed Name: _____

Its: _____

Date: _____, 2014.

EXHIBIT "A"

**REPORT, FINDINGS OF FACT AND RECOMMENDATIONS
FROM MAYWOOD PLAN COMMISSION/ZONING BOARD OF APPEALS
DATED JUNE 24, 2014**

(attached)

