

ORDINANCE NO. 2020-22

AN ORDINANCE ADOPTING AND RENEWING A TEMPORARY MORATORIUM ON APPLICATIONS FOR LICENSING, DEVELOPMENTS AND PERMIT APPROVAL FOR CERTAIN USES LOCATED ON HARLEM AVENUE, CICERO AVENUE AND PORTIONS OF PERSHING ROAD WITHIN THE VILLAGE OF STICKNEY FOR THE VILLAGE OF STICKNEY, COUNTY OF COOK, STATE OF ILLINOIS.

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, the Village has been and is currently in the process of a proposed rezoning of certain areas in the Village, specifically Harlem Avenue, Cicero Avenue from the lot line of the Hawthorne Racetrack south to Pershing Road, and on Pershing Road from Cicero Avenue to the lot line on the west of the Galaxy Transport, Inc. (the “Proposed Rezoning”); and

WHEREAS, certain provisions and uses of properties as stated in the Code of Ordinances of the Village of Stickney, Illinois (the “Village Code”) and “Appendix A – Zoning” (the “Zoning Code”) governing the orderly development and operation of businesses and residential uses within the Village are in need of updating to promote certain real estate taxes or other tax generating uses; and

WHEREAS, to ensure the orderly development and operation of businesses and residential uses within the Village, the Corporate Authorities have determined that an analysis of the regulations governing the development, operation and location of the areas identified in the Proposed Rezoning should be conducted; and

WHEREAS, in order to, among other things, ensure that businesses and residential uses located within the Village are developed and operated in accordance with the best possible use, ensure uniformity in the application and enforcement of its licensing, permitting and zoning laws, and allow an appropriate and uninterrupted analysis of the Zoning Ordinance and the Proposed Rezoning, the policies governing the zoning and certain uses in the aforementioned areas of the Proposed Rezoning must be revised; and

WHEREAS, the Corporate Authorities adopted a temporary moratorium on February ____, 2020, that imposed said temporary moratorium upon the acceptance, approval and processing of certain applications (the “Applications”) and zoning relief requests (the “Zoning Requests”) for the areas identified in the Proposed Rezoning that

will create a more stable environment so that revisions to the Village Code and the Zoning Code can be formulated, considered and adopted in an orderly and thorough manner; and

WHEREAS, in March, 2020, shortly after the temporary moratorium was adopted, the COVID-19 pandemic began causing unforeseen delays in proceeding with the aforementioned rezoning efforts and as such, the Corporate Authorities have determined that it is necessary to further extend the temporary moratorium another six (6) months; and

WHEREAS, based on the foregoing findings, the Corporate Authorities have determined that it is advisable, necessary and in the best interests of the Village and its residents to authorize and approve a six (6) month moratorium and to further adopt the rules and procedures as prescribed herein related to same;

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

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE. The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE. The purpose of this Ordinance is to adopt rules and procedures for the acceptance, approval and processing of the Applications and Zoning Requests for the businesses and residential uses.

**ARTICLE II.
PROCEDURES**

SECTION 3. PROCEDURES. That the Corporate Authorities hereby authorize a temporary moratorium on the acceptance, processing and approval of the Applications and Zoning Requests, subject to the following procedures:

(a) Scope of Ordinance.

This Ordinance shall be applicable to requests, petitions and applications submitted to the Village seeking and/or requesting the issuance of licenses including, but not limited to, those licenses related to the operation and/or regulation of any new business, or portions thereof, (not including the issuance of renewal business licenses for businesses in operation prior to the effective date of this Ordinance) and applications for development approvals including, without limitation, building permits and zoning relief (collectively, the "Applications") in the area of the Proposed Rezoning, specifically Harlem Avenue, Cicero Avenue from the lot line of the Hawthorne Racetrack south to Pershing Road, and on Pershing Road from Cicero Avenue to the lot line on the west of the Galaxy Transport, Inc.

(b) *Suspension of Acceptance, Processing and Approval of the Applications.*

Notwithstanding any other provision of the Zoning Code, the Village Code or prior adopted ordinances, the Village shall not accept, process or approve the Applications for the six (6) month period following the effective date of this Ordinance (the "Moratorium") or until such other time as deemed appropriate in the sole discretion of the Corporate Authorities.

(c) *Exemption for Emergency Repairs and Vested Rights.*

The Moratorium does not apply to Applications required for the repair or replacement of an existing structure damaged or destroyed as the result of a fire, flood or natural disaster or applications for other emergency repairs. The Moratorium does not apply to the issuance of renewal business licenses for businesses in operation prior to the effective date of this Ordinance or to any Application that was vested prior to the effective date of this Ordinance.

(d) *Impact on Pending Applications.*

Upon written request to the Village's Zoning Board Administrator, Building Inspector, Clerk or other applicable persons or department, as applicable, pending Applications may be withdrawn during the term of this Ordinance. The Zoning Board Administrator, Building Inspector, Clerk or other applicable persons or department shall issue a refund of any license or application fee submitted with an Application that is withdrawn in accordance with these procedures.

(e) *Termination of the Moratorium.*

After termination of this Ordinance, as set forth herein, all terms, provisions and conditions of this Ordinance shall be deemed nugatory and of no effect.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the actions contemplated by this Ordinance and to take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to conduct the aforementioned analysis of the businesses and residential uses in the areas identified in the Proposed Rezoning, to publish any required notice, to conduct any required hearings and/or meetings and to draft and disseminate any and all necessary forms to be utilized in connection with this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS. The headings of the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER. All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

SECTION 7. PUBLICATION. A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective and in full force immediately upon passage and approval.

PASSED this 20th day of October, 2020.

AYES: Trustee Hrejsa, Kapolnek, Savopoulos, Torres & White

NAYS: None

ABSENT: Trustee Milenkovic

ABSTENTION: None

APPROVED by me this 20th day of October, 2020.

Jeff Walik, President

**ATTESTED AND FILED in my
office this 20th day of October, 2020.**

Audrey McAdams, Village Clerk