

ORDINANCE NO. 2021-01

AN ORDINANCE APPROVING A CERTAIN AMENDMENT TO THE VILLAGE OF STICKNEY ZONING MAP AND CERTAIN TEXT AMENDMENTS TO SECTIONS 4, 6, AND 9 OF APPENDIX A OF THE VILLAGE OF STICKNEY CODE OF ORDINANCES TITLED "THE VILLAGE OF STICKNEY ZONING ORDINANCE—1980," STICKNEY, 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 related to the effective and orderly development of property located within the Village; 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 "Applicant" requested that certain amendments be made to the text (the "Text Amendments") of Appendix A of the Village of Stickney Code of Ordinances Titled "The Village of Stickney Zoning Ordinance—1980," as amended (the "Zoning Ordinance") and the Village of Stickney Zoning Map (the "Zoning Map Amendment", together with the Text Amendments, the "Amendments"). The Amendments are summarized as follows:

- (a) Text amendment to Section 4 of the Zoning Ordinance to define adult use cannabis business establishments and to determine the regulations and requirements associated with the same; and
- (b) Text amendment to Section 6 of the Zoning Ordinance of the Village of Stickney Municipal Code to create the "B-2 Harlem Avenue and Cicero Avenue Business District"; and
- (c) Text amendment to the Zoning Code to create Section 9, titled, "B-2 Harlem Avenue and Cicero Avenue Business District" and to define and determine the uses permitted, prohibited or allowed by special use therein; and
- (d) To amend the Village of Stickney Zoning Map to reflect the new B-2 zoning district;

WHEREAS, a copy of the legal descriptions for the affected properties is attached hereto as Exhibit A and is incorporated herein by reference as if set forth in full; and

WHEREAS, Section 12.10 of the Zoning Ordinance authorizes a member of the Village Board to propose or initiate amendments to the Zoning Ordinance and the Village of Stickney Zoning Map; and

WHEREAS, the Village Zoning Board of Appeals (the "ZBA") held a public hearing (the "Public Hearing") on January 5, 2021, pursuant to proper notice on the proposed Amendments; and

WHEREAS, the Public Hearing was held in-person and broadcast via Zoom.us (“Zoom”) as a result of the ongoing COVID-19 pandemic and in compliance with Public Act P.A. 100-0640; and

WHEREAS, at said Public Hearing, testimony and comment was given by the Applicant, and members of the public, and further multiple opportunities were given to the public to offer public comment or testimony both in person and via electronic methods, specifically through Zoom; and

WHEREAS, no protest to the proposed Amendments was filed pursuant to Section 12.16 of the Zoning Ordinance; and

WHEREAS, based on the testimony given at said Public Hearing, the ZBA made certain findings of fact and conclusions with respect to the Amendment and made a recommendation to the Village Board that the Amendments be approved (collectively, the “Findings and Recommendation”); and

WHEREAS, a copy of the Findings and Recommendation is attached hereto as Exhibit B and is incorporated herein by reference as if set forth in full; and

WHEREAS, the Amendments would allow for certain uses of property not previously allowed that are congruous to certain existing special uses, would allow for the orderly development of surrounding properties, and would potentially produce additional economic activity to the area thereby increasing revenue to the Village and thereby allowing the Village to provide certain services to the Village and its residents; and

WHEREAS, the Amendments further are not detrimental to the health, safety or welfare of the Village, will not injure the use and enjoyment of the surrounding property owners or reduce property values or disrupt the trends of development, and the Amendments will advance the orderly and economic development of the surrounding properties; and

WHEREAS, in light of the above, the Amendments are in furtherance of the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Stickney, County of Cook, State of Illinois, in the exercise of its home rule powers as follows:

Section 1. Recitals. The foregoing recitals are herein incorporated and made a part of this Ordinance as if fully set forth herein.

Section 2. Approval of Text Amendments and Map Amendment. The Findings and Recommendation is hereby adopted. The Village Board concurs with the Findings and Recommendation and, in accordance with the findings and conclusions stated therein, hereby approves the Amendments, as described below.

Section 3. Amendment to Section 6.01 of the Zoning Ordinance. Section 6.01 of the Village of Stickney Zoning Ordinance is hereby amended by adding the underlined language as follows:

Section 6.01. - Classifications.

In order to carry out the provisions of this ordinance, the village is hereby divided into districts and classified as follows:

R	Single-family district
B	Business district
<u>B-2</u>	<u>Harlem Avenue and Cicero Avenue Business District</u>
P	Parks and recreation
I-1	Light industrial district
I-2	Heavy industrial district

Section 4. Amendment to Section 6.02 of the Zoning Ordinance. Section 6.02 of the Village of Stickney Zoning Ordinance is hereby amended by adding the underlined language as follows:

Section 6.02. - Zoning map.

The location and boundaries of the districts established by the ordinance are shown on the zoning district map dated March 18, 1952, revised January 8, 2013, and again revised in 2019, and as further amended from time-to-time which is incorporated herein and hereby made a part of this ordinance. Said district map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein. Certified copies of said district map shall be filed with the office of the village clerk, the zoning enforcement officer, and the chairman of the zoning board of appeals; a certified copy of the district map shall be open to public inspection in the office of the village clerk at all times during which the office is open for business.

Section 5. Amendment to Section 9 of the Zoning Ordinance. Section 9 of the Village of Stickney Zoning Ordinance is hereby amended by removing the stricken language and adding the underlined language as follows:

SECTION 9. – ~~RESERVED~~ HARLEM AVENUE AND CICERO AVENUE BUSINESS DISTRICT

Section 9.00. - Establishment.

There shall be established in the Village of Stickney a B-2 zoning district to be known as the "Harlem Avenue and Cicero Avenue Business District" consisting of all lots which are located within the area designated business district on the zoning map. All lots located within the Harlem Avenue and Cicero Avenue Business District shall be subject to the regulations set forth herein.

Section 9.01. - Permitted uses.

The following uses are permitted in the Harlem Avenue and Cicero Avenue Business District:

Accessory uses as defined in this ordinance which are incidental in the conduct of a permitted use

Antique stores

Art and school supplies stores, including picture framing for retail trade

Artisan shops, the custom production of goods, including but not limited to, ceramic, painting, weaving, leather works, jewelry and clothing, either for sale or for the use of the artist

Auction rooms

Automobile accessory stores

Automobile service stations

Bakeries employing fewer than five persons

Barbershops

Bars, taverns, cocktail lounges and package liquor stores

Beauty parlors and shops

Bicycle stores, sales, rent and repair

Blueprinting

Boat and marine sales

Book and stationery stores

Building materials sales and storage and millwork

Camera and photographic supplies stores

Candy, confectionary and ice cream stores

Carpet and rug stores but not including carpet or rug cleaning

Cell phone or cell phone accessory stores, cell phone payment centers

China and glassware stores

Seasonal or specialty sales lots (i.e., Christmas tree lots, pumpkin lots, etc.) including the use of a temporary structure or trailer for sales office for no more than three (3) months in a twelve (12) month period

Clothing stores

Coins and philatelic stores

Custom dressmaking

Drug stores, pharmacies

Dry goods stores

Electrical and household appliance stores including radio and television sales

Engineers offices

Filling stations

Fire stations

Flower shops and conservatories

Food stores, grocery stores and meat markets

Furniture stores, including upholstery when conducted as part of retail operation and secondary to the principal use

Furrier shops

Garden supply and seed stores

Gift shops

Greenhouses and plant nurseries

Gymnasiums, commercial health clubs, reducing salons, weight loss clinics

Hardware stores

Hobbysshops for retail sale of items to be used for assembly away from the premises

Ice cream and milk machine sales

Ice cream stores

Interior decorating shops, including upholstery and making of draperies, slip covers and other similar activities when conducted as part of retail operations secondary to the principal use

Jewelry stores

Job and offset printing

Leather goods stores

Luggage stores

Monument sales

Motion picture studios

Motor vehicle sales and rental

Municipal buildings

Music, musical instrument and record/C.D. shops

Novelty stores

Office equipment sales and repair establishments

Office equipment supplies stores

Orthopedic and medical supply stores

Paint and wallpaper stores

Parking area, private, as accessory use

Pet shops

Photocopying, printing shops

Photographs, art galleries and studios

Physical, cultural and health services

Police stations

Political organization offices

Public libraries

Public utility uses

Railroad passenger stations

Railroad rights-of-way

Resale shops for apparel and accessories

Residence of proprietor of a commercial use in same location (commercial use only allowed on the first floor – residence on the first floor prohibited)

Restaurants and catering establishments

Schools

Secondhand stores and rummage shops, other than resale shop for apparel

Secretarial services

Security and commodity brokers

Service stations

Shoe stores

Show rooms, sales rooms, stores or shops for the conduct of retail business

Sound recording studios provided that they are sound proof to the extent that noise and vibration levels permitted from said studios are immeasurable outside the property controlled by the sound recording studio

Sporting goods stores

Tattoo shops, tattoo parlors

Taxidermists

Telephone booths

Temporary building for construction purposes for a period not to exceed duration of construction

Theatres and places of public amusement

Ticket agencies

Tobacco shops (including vape, pipe, or smoking accessory shops)

Toy shops

Variety stores (dollar stores)

Vending machines, as accessory use

Section 9.02. - Special uses.

The following special uses may be permitted in the Harlem Avenue and Cicero Avenue Business District:

Amusement establishments, including, but not limited to, bowling alleys, pool halls, dance halls and skating rinks

Automobile laundries (car washes)

Banks and other financial institutions, loan companies, loan offices, savings and loan

Adult-use cannabis business establishments (including adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization) as defined in section 4.24

Clubs, lodges, fraternal or religious organizations

Convalescent centers, nursing homes, geriatric centers and rest homes

Currency exchanges

Day-care homes and nighttime homes for child care

Drive-in facilities for banks and other financial institutions

Dry cleaners, laundrettes, self-service laundries (includes laundromats) and laundry collection stations

Dyeing and rug cleaning establishments

Eating establishments, food cooperatives in legally established churches, hospitals, nursery schools and nursing homes

Exterminating shops

Firearms retailers and gun ranges

Food lockers, including frozen food lockers

Funeral parlors, undertaking establishments, crematoriums

Garages, public, including body repair and painting carried out in approved spray booths provided that all the walls of the paint shops which are adjacent to or across the street from a residence district should be solid with no opening except for required fire doors

Garden supply and seed stores

Hospitals, sanitariums, retirement homes and nursing homes not including institutions for the care and treatment of the insane, feeble-minded, retarded, alcoholic or drug addict patient

Ice cream production and distribution

Machinery rental, sales and service

Mixed-use properties, a use that contains both commercial and residential uses with all residential uses being prohibited on the first or the first floor.

Nursery schools, children's day schools, day nurseries, child-care centers provided that at least 50 square feet of outdoor play area is provided for each child cared for

Offices, business and professional

Opticians and optometrists

Parking lots and storage garages

Parking lots and storage areas for motor vehicles under 1½-ton capacity

Post offices, post office substations

Public garages servicing automobiles and trucks under one and one-half ton capacity, but not including body repair and painting

Race track, raceway, speedway

Radio and transmission towers

Tailor Shops

Section 9.03. - Use restriction.

No land use which is listed herein as a special use in the heavy industrial district shall be permitted in a business district.

Section 9.04. - Height limitation.

The height of any building or structure located in a business district shall not exceed 45 feet or three stories, whichever is higher.

Section 9.05. - Front yard.

There shall be a front yard of not less than 16 feet in the business district.

Section 9.06. - Rear yard.

In the business district there shall be a rear yard of not less than ten percent of the depth of any lot, provided that the rear yard shall be required to exceed ten feet. Parking is permitted in a rear yard in a business district.

Section 9.07. - Side yard.

A side yard, if provided, shall not be less than three feet wide.

Section 9.08. - Intensity of use.

No business with its accessory buildings to be used for business district purposes shall occupy in excess of 90 percent of the area of the lot. Buildings used wholly for residence purposes shall conform to the restrictions provided herein for buildings in the single-family residence district. Any buildings hereafter constructed, altered, enlarged or rebuilt, to be used partially for residence purposes in a business district shall provide not less than 900 square feet of lot area per family.

Section 6. Amendment to Section 4 of the Zoning Ordinance. Section 4 of the Village of Stickney Zoning Ordinance is hereby amended by adding the underlined language as follows:

Section 4.24 Adult-use cannabis business establishments.

(a) Declaration of Policy. The purpose and intent of this section is to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

(b) Definitions.

Adult-use cannabis business establishment. An “adult-use cannabis business establishment” means an adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

Adult-use cannabis craft grower. An “adult-use cannabis craft grower” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis cultivation center. An “adult-use cannabis cultivation center” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis dispensing organization. An “adult-use cannabis dispensing organization” or “cannabis dispensary” means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis infuser organization. An “adult-use cannabis infuser organization” or “infuser” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1-1 et

seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis processing organization. An “adult-use cannabis processing organization” or “processor” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis transporting organization. An “adult-use cannabis transporting organization” or “transporter” means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1-1 et seq.), as it may be amended from time-to-time, and regulations promulgated thereunder.

- (c) Special Use Required. No adult-use cannabis business establishment shall operate without first obtaining a special use permit in accordance with the provisions of this zoning ordinance. In addition to any other provisions of this zoning ordinance, the following standards shall apply to all adult-use cannabis business establishment:
- (1) An adult-use cannabis business establishment must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing requirements, age limitations, and minimum setbacks.
 - (2) Subject to applicable law, an adult-use cannabis business establishment shall include, as a part of any special use application to the Zoning Board of Appeals, copies of all information submitted to the State of Illinois in an application for a license to operate under the State of Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.)
 - (3) In the Harlem Avenue and Cicero Avenue Business District, an adult-use cannabis business establishment is only allowed along Harlem Avenue with a special use permit.
 - (4) An adult-use cannabis business establishment shall not be located within 1,000 feet of the property line of a pre-existing place of worship, library, public park, forest preserve, public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
 - (5) The site design for any adult-use cannabis business establishment shall incorporate adequate security measures, such as interior and exterior

lighting, surveillance cameras, and/or fencing. Said security measures shall be determined based on the specific characteristics of the establishment and of the floor plan for an adult-use cannabis business establishment and the site on which it is located, consistent with the requirements of the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).

- (6) On-site consumption of cannabis shall be prohibited on the premises of a cannabis dispensary. The cannabis dispensary shall be responsible for enforcing the prohibition of on-site consumption of cannabis under all circumstances on its premises.
- (7) A special use applicant shall submit additional information as required by the Zoning Administrator during the special use process.

Section 7. Amendment to the Village of Stickney Zoning Map. The Village Zoning Map is hereby amended to reflect the new B-2 zoning district at the locations legally described in Exhibit A.

Section 8. Savings Clause. This Ordinance shall not affect suits pending or rights existing at the time this Ordinance takes effect. Such suits and rights shall continue in full force to the same extent and with like effect as if this Ordinance be taken, construed or held to avoid or impair any cause of action now existing under any ordinance of the Village, or any amendment thereto, but as to any consideration of action now existing, such ordinance and amendment thereto, shall be continued in full force and effect.

Section 9. Superseder. Other than as set forth in Section 8 above, all ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 10. 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 11. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

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PASSED this 2nd day of February, 2021.

AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 2nd day of February, 2021.

Jeff Walik, President

ATTESTED AND FILED in my
office this 3rd day of February, 2021.

Audrey McAdams, Village Clerk

EXHIBIT A

LEGAL DESCRIPTIONS

EXHIBIT B

FINDINGS AND RECOMMENDATION