

VILLAGE OF BRADLEY

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ORDINANCE NO. 0-05-24-05

AN ORDINANCE AMENDING CHAPTER 60 (ZONING) OF THE VILLAGE OF BRADLEY  
ZONING CODE

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 13th DAY OF May, 2024

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Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,  
Kankakee County, Illinois this 13th day of May, 2024

ORDINANCE NO. 0-05-24-05

AN ORDINANCE AMENDING CHAPTER 60 (ZONING) OF THE VILLAGE OF  
BRADLEY ZONING CODE

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**WHEREAS**, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, pursuant to Article 11, Division 13 of the Illinois Municipal Code (65 ILCS 11-13-1, *et seq.*) the Corporate Authorities of the Village have authority to enact zoning ordinances that regulate land use within the Village; and

**WHEREAS**, the Corporate Authorities of the Village previously exercised this authority, enacting Chapter 60 (Zoning) of the Bradley Village Code (the “Bradley Zoning Ordinance”); and

**WHEREAS**, the Village previously proposed certain amendments to the Bradley Zoning Ordinance:

1. To revise the definition of tobacco shops;
2. To limit the location of tobacco shops as special uses in the B-2 (Commercial) and B-3 (Village Center Shopping) districts; and

**WHEREAS**, the Proposed Amendments were submitted to the Planning and Zoning Commission (the “Plan Commission”) for its review and consideration and for the purposes of holding a public hearing thereon; and

**WHEREAS**, the Plan Commission held a public hearing to consider the Proposed Amendments on Tuesday, May 7, 2024, with notice having been properly given for the same, and at that time made all findings of fact required by and pursuant to the Village Code; and

**WHEREAS**, the Plan Commission has recommended that the President and Board of Trustees amend the Bradley Zoning Ordinance as set forth in this Ordinance; and

**WHEREAS**, the Plan Commission has supported its recommendation by setting forth its findings of fact in accordance with the requirements of the Village Code (a copy of the Plan Commission’s findings of fact and recommendation of approval is attached hereto as Exhibit A and fully incorporated herein); and

**WHEREAS**, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission’s findings of fact; and

**WHEREAS**, the President and Board of Trustees of the Village have determined that amending the Bradley Zoning Ordinance as set forth in this Ordinance is in the best interests of the Village and its citizens.

**NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:**

**SECTION 1.** The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

**SECTION 2.** Chapter 60 (Zoning), Article I (In General), Section 60-4 (Definitions) is hereby amended, in part, to add the following underlined text:

**Sec. 60-4. Definitions.**

For the purposes of this chapter, and the interpretation and enforcement thereof, the following terms, phrases, words and their derivations shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The words “shall” and “will” are mandatory and the word “may” is permissive. Words not defined shall be given their common and ordinary meaning:

\* \* \*

*Tobacco shop* means an establishment primarily engaged in the retail sale and display of tobacco, tobacco products, alternative nicotine products, electronic cigarettes, vape or vaping products including, without limitation, vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing. The term “Tobacco Shop” shall also include smoking lounges, which are retail establishments dedicated in whole or in part to entertaining smokers and users of tobacco and vape products, and includes without limitation both hookah lounges and vaping lounges. The term “Tobacco Shop” does not include Cannabis Business Establishments.

\* \* \*

**SECTION 3.** Chapter 60 (Zoning), Article V (Business Districts), Section 60-153 (B-2 Commercial District) is hereby amended, in part, to add the following underlined text:

**Sec. 60-153. B-2 commercial district.**

Intent. The B-2 commercial district is intended to accommodate those retail and service commercial activities which are considered roadside commercial uses and which may be incompatible with the predominantly retail uses permitted in other business districts and whose service area is not confined to any one neighborhood.

\* \* \*

- (2) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of article VIII of this chapter:

\* \* \*

- ae. Tobacco shops, which may not be located within 500 feet of any existing public or private nursery school, preschool, primary or secondary school, day-care center, day-care home, or public library. The measurements are from property line to property line at the nearest point. Vocation and trade school learning centers shall not be considered or deemed to be public or private schools for purposes of this subsection.

\* \* \*

**SECTION 4.** Chapter 60 (Zoning), Article V (Business District), Section 60-154 (B-3 Village Center Shopping District) is hereby amended, in part, to add the following underlined text:

**Sec. 60-154. B-3 village center shopping district.**

Intent. The B-3 village center shopping district is intended to accommodate the needs of a much larger consumer population than is served by the zoned business or commercial districts. A wider range of uses and building sizes are permitted for both daily and occasional shopping. These facilities shall be in the form of a shopping center. This zoning district is in compliance with the village center concept as presented in the official comprehensive plan, adopted September 9, 1975, and subsequently amended.

\* \* \*

- (2) *Special uses.* The following special uses may be allowed by special use permit in accordance with the procedures in article VIII of this chapter.

\* \* \*

- s. Tobacco shops, which may not be located within 500 feet of any existing public or private nursery school, preschool, primary or secondary school, day-care center, day-care home, or public library. The measurements are from property line to property line at the nearest point. Vocation and trade school learning centers shall not be considered or deemed to be public or private schools for purposes of this subsection.

\* \* \*

**SECTION 5.** In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

**SECTION 6.** That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

**SECTION 7.** That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

**SECTION 8.** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED** by the Board of Trustees on a roll call vote on the 13th day of May, 2024.

**TRUSTEES:**

RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN TIERI	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GRANT D. VANDENHOUT	Aye - <input type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input checked="" type="checkbox"/>
GENE JORDAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

**VILLAGE PRESIDENT:**

MICHAEL WATSON      Aye -       Nay -       Absent -

**TOTALS:**                      Aye - 5      Nay - 0      Absent - 1

**ATTEST:**

  
\_\_\_\_\_  
KELLI BRZA, VILLAGE CLERK

**APPROVED** this 13th day of May, 2024.

  
\_\_\_\_\_  
MICHAEL WATSON, VILLAGE PRESIDENT

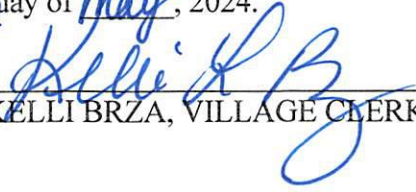
**ATTEST:**

  
\_\_\_\_\_  
KELLI BRZA, VILLAGE CLERK

STATE OF ILLINOIS        )  
  )  
COUNTY OF KANKAKEE    )        §§

I, KELLI BRZA, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 0-05-24-05 "AN ORDINANCE AMENDING CHAPTER 60 (ZONING) OF THE VILLAGE OF BRADLEY CODE OF ORDINANCES," which was adopted by the Village Corporate Authorities at a meeting held on the 13th day of May, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13th day of May, 2024.

  
\_\_\_\_\_  
KELLI BRZA, VILLAGE CLERK



# **Exhibit A**

**PZC Findings of Fact and  
Recommendations of Approval**





## Agenda Cover Memorandum

Meeting Date: May 13th, 2024

Fiscal Year: 2024-2025

Agenda Item: To amend the Village of Bradley Municipal Code, Chapter 60 Zoning to re-define Tobacco Shops, and sections of the B-2 and B-3 districts limiting tobacco shop distances to schools, and libraries.

Internal Review
Initials
Date

Item Type:  Ordinance  Resolution  Other

Action Requested:  Approval  First Reading  For Discussion  Informational

Staff Contact: Name: Bruce Page - Community Development Director

Phone: 815-936-5100 ext. 1111

Email: bepage@bradleyil.org

Summary: Staff has proposed to amend the tobacco shop definition to include the word Primarily to define tobacco shops as having tobacco sales greater than 51% of overall general sales. Tobacco shops are special uses currently and staff has proposed to also include a 500 distance from any existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or public library in the B-2 and B-3 districts.

A public hearing was held on 5-7-24 in front of the Planning and zoning commission and the commission recommended approval by a 7-0 vote.

Is this a budgeted item?  Yes  No  Requires Budget Amendment

Line Item: Title: MIT

Amount Budgeted: