

VILLAGE OF BRADLEY

ORDINANCE NO. **O-12-21-4**

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 60 (ZONING) OF THE VILLAGE OF BRADLEY ZONING CODE THAT REGULATE THE LOCATION AND SCREENING OF OUTDOOR STORAGE IN THE M (INDUSTRIAL) DISTRICT, AS WELL AS OTHER RELATED PROVISIONS OF THE BRADLEY VILLAGE CODE

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13 DAY OF December, 2021

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 13 day of Dec., 2021

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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 an amendment to the Bradley Zoning Ordinance that would update the Village’s zoning regulations regarding outdoor storage and screening in the M (industrial) district and amend certain other provisions of the Village Code to maintain consistency therewith (the “Proposed Amendment”); and

WHEREAS, the Proposed Amendment was 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 Amendment on December 7, 2021, 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 Recommendation of Approval and Findings of Fact 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. That Chapter 60 (Zoning), Article VI (Industrial District), Section 60-178 (Provisions) is hereby amended in part to read as follows:

Sec. 60-178. - Provisions.

Unless otherwise provided in the regulations of this chapter, the following provisions shall apply to the industrial district:

* * *

- (3) All activities and operations shall be conducted either (i) within completely enclosed buildings or (ii) out of doors, but only if such out-door use is completely screened by a solid wall or uniformly painted solid fence not less than eight feet in height. Under no circumstances shall any open (out-door) storage be permitted unless all items stored are completely screened by the wall or fence required above, and under no circumstances shall any item, equipment, vehicle, or other thing be stored on any property that is taller than the wall or fence provided. As an exception to the foregoing, off-street parking and off-street loading and unloading spaces may be provided without a screening wall or fence, so long as all such spaces fully comply with all applicable requirements set forth in Article VII of this Chapter.
- (4) Except as provided in Section 60-369 of this Chapter, no building, structure, or land located in the industrial district may be used for industrial purposes, including without limitation storage purposes, if and to the extent that any part of such building, structure, or land lies within 150 feet of any lot line of a lot located in any residence district. As an exception to the foregoing, off-street parking and off-street loading spaces may be located within this area, provided that all such spaces fully comply with all applicable requirements of Article VII of this Chapter.

SECTION 3. Chapter 60 (Zoning), Article VI (Industrial District), Section 60-179 (M Industrial District Uses; Requirements) is hereby amended in part to read as follows:

Sec. 60-179. - M industrial district uses; requirements.

The M industrial district is intended to provide an environment suitable for and limited to light manufacturing that will not have an adverse effect upon the environmental quality of the community.

(1) *Permitted uses.* A building or premises shall be used only for the following permitted uses:

* * *

- z. Open (out-door) storage of products, materials, and equipment, but not containers or vehicles, but only when fully screened and/or fenced in compliance with this Article.

* * *

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

- v. Open (out-door) storage of containers and/or vehicles, but only when fully screened and/or fenced in compliance with this Article.

(3) *Required conditions.* All permitted uses are subject to the following conditions:

* * *

- b. All business, production, servicing, processing shall take place within completely enclosed buildings unless otherwise specified. Storage uses that may be conducted in the open must fully comply with all screening and fencing requirements of this Article at all times.

* * *

SECTION 4. Chapter 60 (Zoning), Article VIII (Administration), Section 60-369 (Authorized Variations) of the Village of Bradley Zoning Code is hereby amended, in part, to include the following:

Sec. 60-369. - Authorized variations.

Variations from the regulations of this chapter shall be granted by the village president and the board of trustees only in accordance with the standards set forth in this section, and may be granted only in the following instances and no others:

* * *

- (12) To permit the construction, maintenance, and use of fences on any lot zoned B-1 (Local Business), B-2 (Commercial District), or B-3 (Village Center Shopping District) and not used for any residential purpose that are in excess of eight (8) feet in height, provided that no such fence shall be permitted in excess of twelve (12) feet in height.
- (13) To permit the construction, maintenance, and use of fences and screening walls on any lot zoned M (Industrial) and not used for any residential purpose that are in

excess of eight (8) feet in height, provided that no such fence shall be permitted in excess of fourteen (14) feet in height.

- (14) To permit any building, structure, or land that is (i) zoned M (industrial) and (ii) located within one hundred and fifty (150) feet of any lot line of a lot located in any residence district to be used for industrial purposes, including without limitation storage purposes.

SECTION 5. Chapter 10 (Buildings and Building Regulations), Article V (Fences), Section 10-330 (Regulations; Inspections) is hereby amended, in part, to read as follows:

Sec. 10-330. - Regulations; inspections.

* * *

- (k) *Fences located in B-1, B-2, or B-3 zoning districts on lots used solely for commercial uses.* Except as otherwise provided in Section 60-369 of this Code, fences may not exceed six (6) feet in height above ground level in B-1, B-2, or B-3 zoning districts. All fences must be secured by posts, the base of which posts shall be at least 42 inches below ground level and secured by concrete. No fence or wall may be erected, constructed or maintained in a front yard or cornerside yard except, in situations when screening of outdoor storage is required. A fence or wall may be erected, constructed or maintained in a side or rear yard.
- (l) *Fences located in M-industrial zoning districts on lots used solely for manufacturing and/or industrial uses.* Except as otherwise provided in Section 60-369 of this Code, fences may not exceed eight (8) feet in height above ground level located in M-industrial zoning districts on lots used solely for manufacturing and/or industrial uses. All fences must be secured by posts and the base of the posts shall be at least 42 inches below ground level and secured in concrete, provided that the base of the posts for any fence in excess of six (6) feet in height must shall be at least 48 inches below ground level and secured in concrete. No fence or wall may be erected, constructed or maintained in a front yard or cornerside yard, except in situations when security measures are necessary or screening of outdoor storage is required. A fence or wall may be erected, construction or maintained in a side or rear yard.

* * *

SECTION 6. 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 7. 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 8. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 9. 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 13 day of Dec., 2021.

TRUSTEES:

RYAN LEBRAN	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
BRIAN BILLINGSLEY	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
DARREN WESTPHAL	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
BRIAN TIERI	Aye - <u> </u>	Nay - <u> </u>	Absent - <u>X</u>
GRANT D. VANDENHOUT	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
GENE JORDAN	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>

VILLAGE PRESIDENT:

MICHAEL WATSON Aye - Nay - Absent -

TOTALS: Aye - 5 Nay - 0 Absent - 1

ATTEST:



JULIE TAMBLING, VILLAGE CLERK

APPROVED this 13 day of December, 2021.



MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:



JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Julie Tambling, 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 012-21-4, “AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 60 (ZONING) OF THE VILLAGE OF BRADLEY ZONING CODE THAT REGULATE THE LOCATION AND SCREENING OF OUTDOOR STORAGE IN THE M (INDUSTRIAL) DISTRICT, AS WELL AS OTHER RELATED PROVISIONS OF THE BRADLEY VILLAGE CODE,” which was adopted by the Village Corporate Authorities at a meeting held on the 13 day of Dec, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13 day of Dec, 2021.

Julie Tambling

JULIE TAMBLING, VILLAGE CLERK



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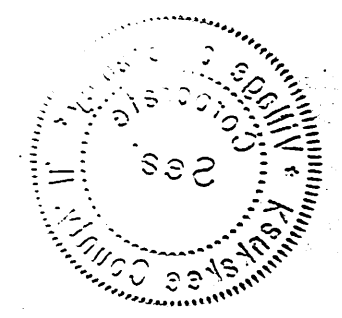


Exhibit A

**FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR A PROPOSED
TEXT AMENDMENT TO THE BRADLEY ZONING ORDINANCE REGARDING (1) THE
LOCATION OF INDUSTRIAL USES WITHIN 150 FEET OF RESIDENTIAL USES AND (2)
FENCE HEIGHT VARIANCES IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

On Tuesday, December 7, 2021, at 6:30 p.m., at the Bradley Village Hall, 147 S. Michigan Avenue, Bradley, Illinois 60915, the Village of Bradley Planning and Zoning Commission conducted a public hearing, with public notice having been duly given for the same. At that hearing, the Planning and Zoning Commission considered whether to recommend approval or denial of a proposed text amendment that would amend certain provisions of the Bradley Zoning Ordinance to allow the location of industrial uses within 150 feet of residential uses and authorize fence height variances in commercial and industrial districts (the “Amendment”). Having heard and considered all of the evidence presented at the hearing and being fully advised in the premises, the Planning and Zoning Commission hereby recommends that the Corporate Authorities of the Village approve and adopt the Amendment.

PASSED this 7th day of December, 2021, by roll call vote.

	Aye	Nay	Absent
Ryland Gagnon (Chairman)	<u>✓</u>	_____	_____
Charlene Eads (Secretary)	<u>✓</u>	_____	_____
Mike Dauphin	<u>✓</u>	_____	_____
James Guiss	<u>✓</u>	_____	_____
Rick White	_____	_____	<u>✓</u>
Bill Bodemer	<u>✓</u>	_____	_____
Michael Williams	<u>✓</u>	_____	_____



Agenda Cover Memorandum

Meeting Date: December 13th, 2021

Fiscal Year: 2021

Agenda Item: Amending chapter 60 of the Bradley zoning code, Sec. 60-179 and Sec. 60-369 in the M-Industrial district

Item Type: Ordinance Resolution Other

Action Requested: Approval First Reading For Discussion Informational

Staff Contact:
Name: Bruce Page
Phone: 815-936-5100 ext. 1111
Email: bepage@bradleyil.org

Internal Review
Initials
Date

Brief Summary:

The Community Development Dept. is requesting an amendment to Sec. 60-179 and 369 M-Industrial district:

60-179 (1)(z) Open (out-door) storage of products, materials, and equipment, but not containers or vehicles, but only when fully screened and or fenced in compliance with this article.

60-179(2)(v) Open (out-door) storage of containers and/or vehicles, but only when fully screened and/or fenced in compliance with this article.

60-369 Authorized Variations

(12) To permit the construction, maintenance, and use of fences on any lot zoned B-1, B-2, or B-3 and nor used for any residential purpose that are in excess of (8) f eight feet in height, provided that no such fence shall be permitted in excess of (12) twelve feet in height.

(13) To permit the construction, maintenance, and uses of fences and screening nwalls on any lot zoned M-Industrial and not used for any residential purpose that are in excess of (8) eight feet in height, provided that no such fence shall be permitted in excess of (14) feet in height.

(14) To permit any building, structure, or land that is zoned (i) Industrial and (ii) located within (150) one hundred and fifty feet of any lot line of a lot located in any residence district to be used for industrial purposes, including without limitation storage purposes.

The PNZ commission has approved and recommended this go before the VOB board for consideration by a 7-0 vote.

Approval of Ordinance

Supporting Documents: Ord #