

VILLAGE OF BRADLEY

ORDINANCE NO. **O-06-23-02**

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

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 12th DAY OF June, 2023

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 12th day of June, 2023

ORDINANCE NO. 0-06-23-02

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

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 allow (i) multiple-family dwellings with up to four (4) dwelling units in a single building as a permitted use and (ii) multiple-family dwellings with five (5) or more dwelling units in a single building a special use and planned development in the R-6 (General Residence) district; and
2. To define and allow homeless shelters as a special use and planned development in the M (Industrial) district; and
3. To define and allow tobacco shops as special uses in the B-2 (Commercial) and B-3 (Village Center Shopping) districts (collectively the “Proposed Amendments”); 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, June 6, 2023, 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:

* * *

Homeless shelter means a building, or portion thereof, in which congregate style lodging, either with or without meals and ancillary services on the premises, are provided on an emergency basis for temporarily homeless individuals and families and not intended to be permanent residences or a substitute for permanent residences.

* * *

Planned development means either (i) the development of a parcel of land or contiguous parcels of land of a size sufficient to create its own character, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located and/or (ii) the development of a parcel of land or contiguous parcels of land for a use that is determined, by the Corporate Authorities of the Village, to present unique planning opportunities and challenges and where the greater flexibility afforded by the planned development process will promote the health, safety, welfare, and morals of the citizens and residents of the Village. The developer(s) of a planned development may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the village as a whole and which would not otherwise be required by this chapter. The area of a planned development shall remain under one ownership or unified control unless safeguards are provided that, in the opinion of the planning and zoning commission and board of trustees of the village, will provide for the continuation of the original planned development concept and as may be modified from time to time.

* * *

Tobacco shop means an establishment 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 IV (Residence Districts), Section 60-126 (R-6 General Residence District) is hereby amended, in part, to delete the stricken text and add the following underlined text:

Sec. 60-126. R-6 general residence district.

The R-6 general residence district is established to provide for a wider variety of dwelling accommodations with a higher density of dwelling units; to provide for multiple-family dwellings with open space for family living; and to provide for a transition between nonresidential areas and single-family areas of lower density.

(1) *Permitted uses.* The following uses are permitted:

* * *

d. Multiple-family dwellings with up to ~~six (6)~~ four (4) dwelling units in a single building.

* * *

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

* * *

p. Multiple-family dwellings with ~~seven (7)~~ five (5) or more dwelling units in a single building-, but only as a planned development subject to the procedures of Article VIII, Division 8 of this Chapter.

* * *

SECTION 4. Chapter 60 (Zoning), Article V (Business Districts), Section 60-153 (B-2 Commercial District) is hereby amended, in part, to delete the stricken text and 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.

(1) *Permitted uses.* The following uses are permitted:

* * *

bc. ~~Tobacco shops.~~ [Reserved].

* * *

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

* * *

ab. Tobacco shops.

* * *

SECTION 5. Chapter 60 (Zoning), Article V (Business District), Section 60-154 (B-3 Village Center Shopping District) is hereby amended, in part, to delete the stricken text and 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.

(1) *Permitted uses.* No building, structure or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended or designed for other than a shopping center which may include any of the following uses:

* * *

bh. ~~Tobacco shops.~~ [Reserved].

* * *

(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.

* * *

r. Tobacco shops.

* * *

SECTION 6. Chapter 60 (Zoning), Article VI (Industrial District), Section 60-179 (M Industrial District Uses; Requirements) is hereby amended, in part, to add the following underlined text:

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.

* * *

- (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. Homeless shelters, but only as a planned development subject to the procedures of Article VIII, Division 8 of this Chapter.

* * *

SECTION 7. Chapter 60 (Zoning), Article VIII (Administration), Division 8 (Planned Development), Section 60-426 (Provisions) is hereby amended, in part, to delete the stricken text and add the following underlined text:

Sec. 60-426. Provisions.

~~The Generally speaking, the~~ basic provisions and requirements concerning planned development are the subdivision, development and use of land containing three or more acres as an integral unit, combining one or more primary land uses, and which may provide for, but are not limited to single-family residential, multiple-family residential, education, business, commercial, industrial, recreational, park and public use areas may be described as a planned development (See section 60-4); however, the procedures of this division shall also be applicable to those uses determined by the Corporate Authorities of the Village to present unique planning opportunities and challenges and where the greater flexibility afforded by the planned development process will promote the health, safety, welfare, and morals of the citizens and residents of the Village. All planned developments shall be ~~In its establishment and authorization established and authorized as a special uses, in~~ in addition to the foregoing provisions, the following procedures, requirements, restrictions, standards and conditions in this division shall be observed. The planned development may be exempted from the provisions of the subdivision regulations in chapter 46 and of this chapter of the village to the extent specified in the final authorization of the planned development's special use ordinance.

(Ord. No. O-11-03-4, § 13.12(2), 11-24-2003)

SECTION 8. 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 9. 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 10. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 11. 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.

[Intentionally Blank]

PASSED by the Board of Trustees on a roll call vote on the 12th day of June, 2023.

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>X</u>	Nay - <u> </u>	Absent - <u> </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 - 6 Nay - 2 Absent -

ATTEST:

Kiransaw Nelson
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 12th day of June, 2023.

Michael Watson
MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:

Kiransaw Nelson
JULIE TAMBLING, VILLAGE CLERK (Deputy)

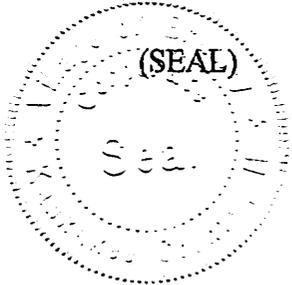
STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

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 0-06-23-02, “AN ORDINANCE AMENDING CHAPTER 60 (ZONING) OF THE VILLAGE OF BRADLEY ZONING CODE,” which was adopted by the Village Corporate Authorities at a meeting held on the 12th day of June, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 12th day of June, 2023.



JULIE TAMBLING, VILLAGE CLERK (Deputy)



0-11-10

sat
ent
at

(P. 10)

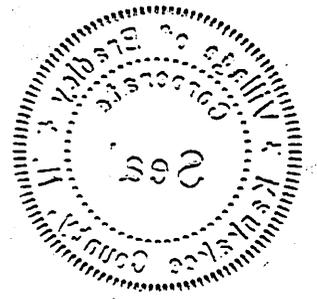


Exhibit A
**(Findings of Fact and
Recommendation of Approval)**



Agenda Cover Memorandum

Meeting Date: June 12th, 2023

Fiscal Year: 2022-23

Agenda Item: An Ordinance amending chapter 60 (Zoning) of the Bradley Village Code

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

Internal Review
Initials
Date

Summary: The Planning and Zoning commission held a hearing on three text amendments to the Zoning Code of the Village of Bradley. The three amendments were as follows:

- a. To allow (i) multiple-family dwellings with up to four (4) dwelling units in a single building as a permitted use and (ii) multiple-family dwellings with five (5) or more dwelling units in a single building a special use and planned development in the R-6 (General Residence) district.
- b. To define and allow homeless shelters as a special use and planned development in the M (Industrial) district.
- c. To define and allow tobacco shops as special uses in the B-2 (Commercial) and B-3 (Village Center Shopping) districts.

Background: Staff proposed these amendments to the Planning and Zoning Commission so that the Village would have a better definition of what these uses were and how they operate along with creating a pathway to help with the overall design of the character and development of the Village as a whole.

Is this a budgeted item? Yes No Requires Budget Amendment

Line Item: Title: MFT

Amount Budgeted:

**FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR CERTAIN
PROPOSED TEXT AMENDMENTS TO THE BRADLEY ZONING ORDINANCE.**

On Tuesday, June 6, 2023, 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 certain proposed text amendments that would amend certain provisions of the Bradley Zoning Ordinance:

4. To allow (i) multiple-family dwellings with up to four (4) dwelling units in a single building as a permitted use and (ii) multiple-family dwellings with five (5) or more dwelling units in a single building a special use and planned development in the R-6 (General Residence) district.
5. To define and allow homeless shelters as a special use and planned development in the M (Industrial) district.
6. To define and allow tobacco shops as special uses in the B-2 (Commercial) and B-3 (Village Center Shopping) districts.

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 6th day of June, 2023, by roll call vote.

	Aye	Nay	Absent
Ryland Gagnon (Chairman)	<u> X </u>	<u> </u>	<u> </u>
Charlene Eads (Secretary)	<u> X </u>	<u> </u>	<u> </u>
James Guiss	<u> X </u>	<u> </u>	<u> </u>
Rick White	<u> X </u>	<u> </u>	<u> </u>
Bill Bodemer	<u> </u>	<u> </u>	<u> X </u>
Michael Williams	<u> X </u>	<u> </u>	<u> </u>
Robert Redmond	<u> X </u>	<u> </u>	<u> </u>