

VILLAGE OF BRADLEY

ORDINANCE NO. O-3-18-2

AN ORDINANCE AMENDING CHAPTER 60, ARTICLE VIII OF THE BRADLEY CODE

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 26 DAY OF March, 2018.

Published in pamphlet form by the order and authority of the Board of Trustees of the Village of
Bradley, Kankakee County, Illinois, this 26 day of MARCH, 2018.

CERTIFICATE:



Michael J. LaGessee, Village Clerk

ORDINANCE NO. O-3-18-2

AN ORDINANCE AMENDING CHAPTER 60, ARTICLE VIII OF THE BRADLEY CODE

WHEREAS, the Board of Trustees of the Village of Bradley, Kankakee County, Illinois, has 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 65 ILCS 5/11-13-1, *et. seq.*, Board of Trustees of the Village of Bradley has the power to regulate zoning within the Village; and

WHEREAS, the Board of Trustees of the Village of Bradley has previously adopted ordinances which regulate zoning within the village; and

WHEREAS, it has been deemed to be in the best interest of the citizens of the Village of Bradley to amend the provisions of Chapter 60, Zoning, of the Bradley Code, as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. That the President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete, and further declare that the same are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. That Chapter 60, Article VIII, Division 1, Section 60-233 (Amendments) is hereby amended as follows:

Sec. 60-233. - Amendments.

* * *

(e) *Notice of hearing.*

- (1) Where an amendment is proposed by the Village Board or the Planning and Zoning Commission, the Village shall publish notice of the time and place of the hearing at least once in one or more newspapers published in the Village, or if no such newspaper exists then in one or more newspapers with a general circulation within the Village that are published within Kankakee County. Such publication shall occur not more than 30 days nor less than 15 days before such hearing.
- (2) Where an amendment is proposed by another governmental body or by any owner of property subject to the Village's zoning regulations, said Applicant shall:

- (A) Provide the Village with all information necessary for the publication of notice of the public hearing, including but not limited to an accurate legal description of each property for which a change in zoning classification is to be considered, and pay any and all costs arising from such publication. The Village will then publish notice of the time and place of the hearing at which the application will be considered at least once in one or more newspapers published in the Village, or if no such newspaper exists then in one or more newspapers with a general circulation within the Village that are published within Kankakee County. Such publication shall occur not more than 30 days nor less than 15 days before such hearing;
- (B) Where the proposed amendment affects the zoning classification of an individual property or group of properties, the Applicant shall provide notice by certified mail, return receipt requested, to all owners of property located within 250 feet from the boundaries of the properties that are the subjects of the proposed amendment. Said notice shall be mailed not more than 30 days nor less than 15 days prior to the public hearing date, and upon completion of the same the Applicant shall submit a certificate listing the names, addresses, and real property tax index numbers of all owners of property within said 250 feet, as well as an affidavit that all required notices were mailed in compliance with the provisions of this section; and
- (C) Where the proposed amendment affects the zoning classification of an individual property or group of properties, the Applicant shall post notice of the public hearing on each property for which a change in zoning classification will be considered. Said notice (i) shall be in the form of a sign (or signs) approved by the Village; (ii) shall be posted for not less than 15 days prior to the public hearing; (ii) and shall be prominently situated on the property so as to be visible from the nearest street or public way, or as otherwise prescribed by the zoning administrator. The sign(s) shall be a minimum of eight square feet in size and shall indicate the present zoning classification, the proposed zoning classification, the time and place of the public hearing, and any other information prescribed by the zoning administrator. The Applicant shall remove posted notices from the subject area properties within 15 days after the date of the public hearing.

* * *

- (h) *Effect of denial of amendment.* No application for a map amendment which has been denied by the village board shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning and Zoning Commission and the Village Board.

SECTION 3. That Chapter 60, Article VIII, Division 6, Section 60-367 (Notice of Hearing) is hereby amended as follows:

Sec. 60-367. - Notice of Hearing.

The Applicant for any variance of the Village's zoning ordinance shall:

- (1) Provide the Village with all information necessary for the publication of notice of the hearing, including but not limited to an accurate legal description of each property for which a variance is to be considered, and pay any and all costs arising from such publication. The Village will then publish notice of the time and place of the hearing at which the application will be considered at least once in one or more newspapers published in the Village, or if no such newspaper exists then in one or more newspapers with a general circulation within the Village that are published within Kankakee County. Such publication shall occur not more than 30 days nor less than 15 days before such hearing; and
- (2) Provide notice by certified mail, return receipt requested, to all owners of property located within 250 feet of the boundaries of the property that is the subject of the proposed variance. Said notices shall be mailed not more than 30 days nor less than 15 days prior to the public hearing date, and upon completion of the same the Applicant shall submit a certificate listing the names and addresses of all owners of property within 250 feet, as well as an affidavit that all required notices were mailed in compliance with the provisions of this section.

SECTION 4. That Chapter 60, Article VIII, Division 7, Section 60-398 (Notice of Hearing) is hereby amended as follows:

Sec. 60-398. - Notice of Hearing.

The Applicant for any special use shall:

- (a) Provide the Village with all information necessary for the publication of notice of the hearing, including but not limited to an accurate legal description of each property for which the issuance of a special use permit is to be considered, and pay any and all costs arising from such publication. The Village will then publish notice of the time and place of the hearing at which the special use application will be considered at least once in one or more newspapers published in the Village, or if no such newspaper exists then in one or more newspapers with a general circulation within the Village that are published within Kankakee County. Such publication shall occur not more than 30 nor less than 15 days before such hearing; and
- (b) Provide notice by certified mail, return receipt requested, to all owners of property located within 250 feet from the boundaries of the property that is the subject of the proposed special use. Said notices shall be mailed at not more than 30 days nor less than 15 days prior to the public hearing date, and upon completion of the same the Applicant shall submit a certificate

listing the names and addresses of all owners of property within 250 feet, as well as an affidavit that all required notices were mailed in compliance with the provisions of this section.

SECTION 5. That Chapter 60, Article VIII, Division 8, Section 60-454 (Procedure for the Public Hearing) is hereby amended as follows:

Sec. 60-454. - Procedure for the Public Hearing.

The procedure for the public hearing on the preliminary plan shall be as follows:

- (1) The village board shall refer the preliminary plan to the village planning and zoning commission. The village board shall instruct the appropriate village departments and consultants to collaborate with the planning and zoning commission in reviewing the preliminary plan for the planned development for its compliance with these regulations and other ordinances of the village. Such collaboration may include meetings at which the developer shall meet with village officials and consultants in order that the planning and zoning commission may have, prior to its public hearing, the informal recommendations of its experts.

* * *

- (4) The Applicant shall give public notice of the hearing as follows:
 - (a) The Applicant shall provide the Village with all information necessary for the publication of notice of the hearing, including but not limited to an accurate legal description of each property affected by the proposed preliminary plan, and pay any and all costs arising from such publication. The Village will then publish notice of the time and place of the public hearing at least once in one or more newspapers published in the Village, or if no such newspaper exists then in one or more newspapers with a general circulation within the Village that are published within Kankakee County. Such publication shall occur not more than 30 nor less than 15 days before such hearing; and
 - (b) The Applicant shall provide notice to all Parties in Interest by certified mail, return receipt requested. Said mailing shall be made not more than 30 and not less than 15 days before the date of the hearing. Upon completion of all required mailings, the Applicant shall submit a list of the names and addresses of all Parties in Interest, as well as an affidavit that all required notices were properly mailed in compliance with the provisions of this section. No application for amendment shall be heard unless the Applicant furnishes the list and affidavit herein required.

Parties In Interest. For the purposes of notice under Section (4)(b), *supra*, "Parties in Interest" shall mean the owner of every property contiguous to each property that is the subject of the public hearing (as reflected in the records of the office of the recorder of deeds of Kankakee County, as appears from the authentic tax records of said county).

All public roads, streets, alleys, and other public ways shall be excluded in determining which properties are contiguous to the property or properties that is/are the subject of the public hearing.

SECTION 6. That in the event that any section, paragraph, clause, or provision 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 sections, paragraphs, clauses, or provisions of this Ordinance that may be given effect without such invalid or unenforceable section or sections, paragraph or paragraphs, clause or clauses, or provision or provisions.

SECTION 7. That all resolutions, ordinances, motions, or parts thereof conflicting with any of the sections, paragraphs, clauses, or provisions of this Ordinance shall be and 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 26 day of MARCH, 2018.

TRUSTEES:

GERALD BALTHAZOR	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
ROBERT REDMOND	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
LORI GADBOIS	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
MICHAEL WATSON	Aye – <input type="checkbox"/>	Nay – <input checked="" type="checkbox"/>	Absent – <input type="checkbox"/>
JACLYN DUGAN-ROOF	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
DONALD BARBER	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>

VILLAGE PRESIDENT

BRUCE ADAMS	Aye – <input type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
TOTALS:	Aye – <u>5</u>	Nay – <u>1</u>	Absent – <u>0</u>

ATTEST:


MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 26 day of MARCH, 2018.



Bruce W. Adams
BRUCE ADAMS, VILLAGE PRESIDENT

ATTEST:

Michael J. Lagesse
MICHAEL J. LAGESSE, VILLAGE CLERK

[Faint, illegible handwriting]



STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Michael J. LaGesse, 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 O-3-18-2, "AN ORDINANCE AMENDING CHAPTER 60, ARTICLE VIII OF THE BRADLEY CODE," which was adopted by the Village President and Board of Trustees at a meeting held on the 26 day of March 2018.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 26 day of MARCH, 2018.


MICHAEL J. LAGESSE, VILLAGE CLERK



