
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2024- 037**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, AMENDING CHAPTER 165 OF THE
CODE OF ORDINANCES REGARDING NON-CONFORMING
BUILDINGS, STRUCTURES AND USES**

**FRED BILOTTO, Mayor
RAEANN CANTELO-ZYLMAN, City Clerk
JAIRO FRAUSTO, City Treasurer**

**DEXTER JOHNSON
LUIZ MONTOYA
NANCY RITA
BILL FAHRENWALD
GABRIEL McGEE
CANDACE CARR
JOSH ROLL**

Aldermen

ORDINANCE NUMBER 2024-037

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
AMENDING CHAPTER 165 OF THE CODE OF ORDINANCES REGARDING
NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

WHEREAS, the City of Blue Island, Cook County, Illinois (the “*City*”) is a duly organized and existing city created under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefits of the residents of the City; and

WHEREAS, the Mayor and the Aldermen of the City of Blue Island previously adopted the Blue Island Zoning Ordinance of 1971 (the “*Zoning Code*”), which is codified in Chapter 165 of Title XV of the Code of Ordinances of the City (the “*City Code*”); and

WHEREAS, a text amendment application was submitted by the City requesting an amendment to Chapter 165 of the City Code regarding non-conforming buildings, structures and uses (the “*Proposed Amendment*”); and

WHEREAS, the Planning and Zoning Board of Appeals (“*PZBA*”) held a public hearing on February 15, 2024 (the “*Public Hearing*”) as to whether the Proposed Amendment should be approved, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice in the form required by law was given of said Public Hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said Public Hearing; and

WHEREAS, the PZBA has filed its findings of fact and recommendations that the Proposed Amendment be granted, as amended, and the Mayor and Aldermen of the City have duly considered said findings of fact and recommendations; and

WHEREAS, the Mayor and Aldermen of the City have determined that adoption of the Proposed Amendment, as amended, is advisable and in the best interest of the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Aldermen of the City of Blue Island, Cook County, Illinois as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. That the Mayor and Aldermen of the City hereby adopt by reference the findings of fact of the Planning and Zoning Board of Appeals as findings of the Mayor and City Council as if completely set forth herein. All documents and exhibits submitted at the aforesaid Public Hearing is also incorporated by reference into this Ordinance.

Section 3. That the Mayor and Aldermen find and determine that the adoption of this Ordinance is in the best interests of the City as well as in the public interest.

Section 4. That Section 165.046 (“Authority to Continue Non-conforming Buildings, Structures and Uses”) of Chapter 165 (“Zoning Code”) of Title XV (“Land Usage”) of the Blue Island Code of Ordinances is hereby amended by adding the underlined language and deleting the stricken language, to read as follows:

§ 165.046 AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

(A) Any pre-existing non-conforming use, building or structure which existed lawfully at the time of the adoption of this chapter and which remains non-conforming, and any use, building or structure which became non-conforming upon the adoption of this chapter or which will become non-conforming upon the adoption of any amendment thereto, may be continued, some for specified and respective periods of time, subject to the regulations which follow.

(B) Notwithstanding the above paragraph (A), any use that would require a special use permit to operate within that zoning district shall be deemed non-conforming if no special use permit has been obtained. Legally non-conforming uses of this type shall be allowed to continue until there is a change of ownership or, for non-residential properties, tenancy, at which time the new owner or, for non-residential properties, tenant shall apply for a special use permit under §165.089 of this chapter to become a conforming use. Such special uses shall be granted provided that the special use meets all standards under §165.089(F) and all violations of building codes discovered during mandatory inspections have been resolved, except that no special use shall be denied solely for non-conformance with the regulations listed in §165.047(A) of this chapter.

Section 5. That Section 165.047 (“Exempted Buildings, Structures and Uses”) of Chapter 165 (“Zoning Code”) of Title XV (“Land Usage”) of the Blue Island Code of Ordinances is hereby amended by adding the underlined language and deleting the stricken language, to read as follows:

§ 165.047 EXEMPTED BUILDINGS, STRUCTURES AND USES.

(A) No building, structure or use lawfully established on the effective date of this chapter shall be subject to the amortization provisions of this subchapter solely by reason of being non-conforming with respect to the standards prescribed in this chapter for any of the following:

- (1) Floor area ratio;
- (2) Yards: front, side, rear or transitional;
- (3) Lot area per dwelling unit;
- (4) Building height;
- (5) Maximum gross floor area;
- (6) Off-street parking and loading spaces; and
- (7) Number of employees.

(B) No building, structure or use lawfully established on the effective date of this chapter and located in any commercial or industrial district shall be subject to the amortization provisions of this subchapter, except for a non-conforming use of land. To protect the health and safety of those using the buildings or structures, this provision shall not prevent the City from requiring property owners to repair or modify buildings or structures that are not in compliance with the requirements of this Code, except those standards exempted in paragraph (A) above.

(C) No residential use lawfully established on the effective date of this chapter shall be subject to the amortization provisions of this subchapter. This provision shall include principal dwelling units, guest houses, and coach houses. For purposes of this Section,

“coach house” refers to a structure, or part of a structure, that is not the principal dwelling unit and contains exactly one accessory dwelling unit. To protect the health and safety of its residents, this provision also shall not prevent the City from requiring property owners to repair or modify buildings or structures that are not in compliance with the requirements of this Code, except those standards exempted in paragraph (A) above

(D) Non-conforming signs shall be subject to amortization only as provided in this subchapter, but in all other respects, signs shall be subject to the provisions applicable to non-conforming structures and the use thereof.

Section 6. That Section 165.089 (“Special Use Permits”) of Chapter 165 (“Zoning Code”) of Title XV (“Land Usage”) of the Blue Island Code of Ordinances is hereby amended by adding the underlined language and deleting the stricken language, to read as follows:

§ 165.089 SPECIAL USE PERMITS.

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued subject to the provisions of this section.

* * *

(G) *Special conditions and guarantees.* Prior to the granting of any special use, the Planning and Zoning Board of Appeals may recommend, and the City Council shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein. In all cases in which special uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. In addition, all special use permits shall be conditioned upon the following:

(1) The special use shall be limited to the applicant and shall not be transferable except upon reapplication, hearing and approval in the manner provided in the Zoning Code;

(2) The special use approval authorizes the conduct of the special use only on the applicant’s property identified in the application and is not transferable to other properties;

(3) Any modification or intensification of a special use that alters the essential character or operation of the use in a way not intended at the time the special use was granted shall require a new special use approval;

(4) The approval of a special use authorizes the Property to be used in the manner proposed, but does not alone authorize the establishment or extension of any use, nor development, construction, reconstruction, alteration, or moving of any

building, structure, or parking lot without first obtaining any other required permit, including a zoning certificate, building permit and certificate of occupancy;

(5) The special use shall comply with all other codes and ordinances of the City of Blue Island, the County of Cook, the State of Illinois, and the federal government; and

(6) The special use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

* * *

Section 7. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 8. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 9. This Ordinance shall be in full force and effect immediately upon its passage and approval to ensure the public health, safety and welfare of the residents of the City.

(Intentionally Left Blank)

ADOPTED this 27TH day of AUGUST, 2024, pursuant to roll call as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman FAHRENWALD	X				
Alderman RITA			X		
Alderman MONTOYA	X				
Alderman MCGEE	X				
Alderman CARR	X				
Alderman ROLL	X				
Mayor BILOTTO					
	6		1		

APPROVED by the Mayor on AUGUST 27, 2024.

FRED BILOTTO
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
27TH day of AUGUST, 2024.

RAEANN CANELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
27TH day of AUGUST, 2024.

RAEANN CANELO-ZYLMAN, CITY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, RAEANN CANTELO-ZYLMAN, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **August 27, 2024**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2024-037**.

Entitled:

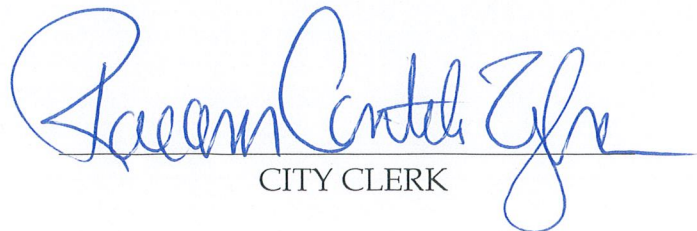
AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, AMENDING CHAPTER 165 OF THE CODE OF ORDINANCES REGARDING NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2024 - 037** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **August 27, 2024**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **27TH** day of **August, 2024**.

CORPORATE SEAL


CITY CLERK



STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATION

I, RAEANN CANTELO-ZYLMAN, DO HEREBY CERTIFY THAT I am the duly elected City Clerk of the City of Blue Island, Illinois, as such City Clerk, I am the keeper of the minutes and records of the Proceedings of the City Council of the said City and have in my custody the ORDINANCE and BOOKS of the records of said City.

I DO FURTHER CERTIFY that the attached and foregoing is a true and correct copy of the certain **2024 - 037** Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, AMENDING CHAPTER 165 OF THE CODE OF ORDINANCES REGARDING NON-CONFORMING BUILDINGS, STRUCTURES AND USES.**

ORDINANCE NO. 2024-037 which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **27TH day of AUGUST, 2024**; that at said meeting **6** Alderman were present; that at said meeting, on motion duly made and seconded that the Ordinance did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Ordinance was duly and separately taken by Ayes and Nays and their names and votes recorded in the minutes of **6** Alderman voted Aye and **0** Alderman voted Nay and **0** Alderman voted Abstain and **1** Alderman Absent.

I DO FURTHER CERTIFY that the original Ordinance which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the City of Blue Island aforesaid, at the said City in the County and State aforesaid, this **27TH day of AUGUST, 2024**.

CORPORATE SEAL



City Clerk

