



AGENDA ITEM # 9 A/B

AGENDA ITEM EXECUTIVE SUMMARY

Village Board Meeting

March 22, 2021

Item Title: Chicagoland Pet Crematory

Staff Contact: Caron Bricks, AICP, Village Planner

VILLAGE BOARD ACTION

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| <ol style="list-style-type: none">1. Pass an Ordinance Amending the Zoning Ordinance Regarding Pet Crematories.2. Pass an Ordinance Granting a Special Use for a Pet Crematory in the B-5 Arterial Business District. |
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Executive Summary:

Attached are two ordinances for P. Joe Arcillas d.b.a. Chicagoland Pet Crematory. The first is a zoning ordinance text amendment to create the definition for a pet crematory, as it does not currently exist in the zoning ordinance. It also makes a pet crematory a special use in the B-5 Zoning District. The second is granting the special use for a pet crematory to Chicagoland Pet Crematory at 950 W. Lake Street. Mr. Arcillas is relocating his business from unincorporated Bloomingdale to Roselle.

At the March 2, 2021 public hearing held by the Planning and Zoning Commission, the P&Z recommended unanimous approval of both the text amendment and the special use. Several public comments were submitted to staff prior to the public hearing. The comments were all in regard to concern for potential emissions coming from the pet crematory, including smells and smoke. The petitioner, Joe Arcillas, testified during the public hearing that his equipment does not emit any emissions and he is required to get permits from the Illinois Environmental Protection Agency (IEPA) in order to operate as a crematory.

Implications:

Is this item budgeted? NA

Any other implications to be considered? NA.

Attachments:

Text Amendment Ordinance

Special Use Ordinance

P&Z Packet ([link](#))

ORDINANCE 2021-

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
(APPENDIX A TO THE VILLAGE OF ROSELLE CODE OF ORDINANCES)
REGARDING PET CREMATORIES**

WHEREAS, the Zoning Ordinance of the Village of Roselle, a municipal corporation located in DuPage and Cook Counties, Illinois (hereinafter “Village”), is Appendix A to the Village’s Code of Ordinances and is hereinafter referred to as the “Zoning Ordinance”; and,

WHEREAS, P. Joe Arcillas d.b.a. Chicagoland Pet Crematory (hereinafter “Petitioner”) petitioned the Village for a proposed amendment to the text of the Zoning Ordinance, which would add a definition for “Pet crematory”; and,

WHEREAS, the Petitioner has requested this proposed amendment to the text of the Zoning Ordinance in order to allow a pet crematory as a Special Use (hereinafter “Proposed Amendment”) in the B-5 Arterial Business District; and,

WHEREAS, the Planning and Zoning Commission of the Village held a public hearing (PZ 20-1087) on March 2, 2021, pursuant to a published legal notice as required by the Zoning Ordinance and by the laws of the State of Illinois, to consider the proposed amendment; and,

WHEREAS, the Mayor and Board of Trustees of the Village (hereinafter “Corporate Authorities”) have been advised of the findings and recommendation of the Planning and Zoning Commission with respect to the proposed amendment; and,

WHEREAS, the amendment to the text of the Zoning Ordinance described herein are being approved pursuant to the authority set forth in the Zoning Ordinance, Section 13.10, entitled “Amendments.”

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, as follows:

SECTION 1: That Section 3.02 of the Zoning Ordinance, entitled “Definitions” is hereby amended by adding the following definition:

Pet crematory. A structure wherein domesticated pet remains are cremated.

SECTION 2: That Section 8.06(C) of the Zoning Ordinance, entitled “Special Uses” for the B-5 Arterial Business District, is hereby amended by adding a new subsection (4), which shall read as follows:

(4) Pet crematory.

SECTION 3: The Village Clerk is hereby directed to make the foregoing changes to the text of the Zoning Ordinance.

SECTION 4: All ordinances and parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as is hereby authorized and directed to be done by the Corporate Authorities.

AYES:

NAYS:

ABSENT:

PASSED and APPROVED this ____ day of _____, 2021.

Mayor, Village of Roselle

ATTEST:

Village Clerk

ORDINANCE 2021-____

**AN ORDINANCE GRANTING A SPECIAL USE FOR A PET CREMATORY
IN THE B-5 ARTERIAL BUSINESS DISTRICT
(Chicagoland Pet Crematory, 950 W. Lake Street)**

WHEREAS, P. Joe Arcillas d.b.a. Chicagoland Pet Crematory (hereinafter “Petitioner”), has petitioned the Village for a special use for a pet crematory as defined in the Roselle Zoning Ordinance, in the B-5 Arterial Business District at property commonly known as 950 W. Lake Street (hereinafter the “Property”); and,

WHEREAS, the special use described herein is being adopted pursuant to the authority set forth in the Roselle Zoning Ordinance, Section 13.11 “Special Uses” and Chapter 8, Section 8.06 Arterial Business District (C) Special Uses; and,

WHEREAS, the Planning and Zoning Commission held public hearing PZ 20-1088 on March 2, 2021, pursuant to a published legal notice and neighborhood notification as required by the Village of Roselle and Illinois State laws, to consider the petition requesting the granting of a special use for a pet crematory at the Property; and,

WHEREAS, the Owner has demonstrated just cause for the special use for a pet crematory by reason of the compatibility of the proposed land use and existing zoning with the existing land uses and existing zoning in the surrounding area; and,

WHEREAS, the Mayor and Board of Trustees of the Village of Roselle have been advised of the findings and recommendations of the Planning and Zoning Commission with respect to said special use; and,

WHEREAS, the Corporate Authorities have decided to grant a special use to allow a pet crematory at the Property in a manner consistent the public hearing and applicable ordinances of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, as follows:

SECTION 1: A special use is hereby granted for a pet crematory in accordance with: Chapter 13, Section 13.11, "Special Uses", and Section 8.06 "B-5 Arterial Business District (C) Special Uses", of the Roselle Zoning Ordinance, and pursuant to the conditions set forth in Sections 2, 3, and 4 of this Ordinance. The Property is legally described as:

UNIT 950 IN ROSELLE COMMONS CONDOMINIUM, AS DELINEATED ON PLAT OF SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE:

THAT PART OF OUTLOT 8 IN THE VILLAGES OF WATERBURY UNIT NINE, BEING A SUBDIVISION OF PARTS OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON SEPTEMBER 13, 1977 AS DOCUMENT R77-82080, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN ORLOFF RESUBDIVISION, BEING A RESUBDIVISION OF PART OF OUTLOT 8, AFORESAID, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED APRIL 1, 1982 AS DOCUMENT R82-12396, THENCE SOUTH 89 DEGREES 21 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF OUTLOT 8, AFORESAID, A DISTANCE OF 38.79 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 38 MINUTES 40 SECONDS WEST ALONG A LINE PARALLEL WITH THE EAST LINE OF LOT 1, AFORESAID, A DISTANCE OF 314.00 FEET; THENCE SOUTH 89 DEGREES 21 MINUTES 20 SECONDS EAST PARALLEL WITH THE NORTH LINE OF AFORESAID OUTLOT 8, A DISTANCE OF 159.21 FEET TO A POINT ON THE EAST LINE OF SAID OUTLOT 8; THEN NORTH 0 DEGREES 38 MINUTES 40 SECONDS EAST ALONG THE EAST LINE OF SAID OUTLOT 8 A DISTANCE OF 314.00 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT 8; THENCE NORTH 89 DEGREES 21 MINUTES 20 SECONDS WEST ALONG THE NORTH LINE OF SAID OUTLOT 8, A DISTANCE OF 159.21 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY,

ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT D TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT R97-038902, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

PIN: 02-09-307-008 and commonly addressed as 950 W. Lake Street.

SECTION 2: 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. This special use is further subject to all applicable ordinances and codes of the Village of Roselle.

SECTION 3: Provided further, this Ordinance shall automatically become null and void without further action of the Board of Trustees unless, within 30 days of the approval of this Ordinance, it is signed by the Petitioner and returned to the Village Clerk. An extension to this section may be granted by the Village Board following a written request by the Petitioner.

SECTION 4: This Ordinance shall be binding upon the Petitioner, the Owner, and their administrators, assigns, beneficiaries, contract purchasers, executors, grantees, heirs, and successors. For purposes of this Ordinance, the terms "Petitioner" and "Owner" shall include all subsequent owners, successors, heirs, or assigns.

SECTION 5: That if any part or portion of this Ordinance is declared invalid by a court of competent jurisdiction such partial invalidity shall not affect the remainder of this Ordinance.

SECTION 6: Upon adoption and publication of this Ordinance as required by law, the Village Clerk is authorized and directed to record this Ordinance in the office of the DuPage County Recorder of Deeds. The Village Clerk is also authorized to secure reimbursement from the Owner for any and all costs incurred by the Village to record this Ordinance.

AYES:

NAYS:

ABSENT:

PASSED and APPROVED this ____ day of _____, 2021.

PUBLISHED in pamphlet form this ____ day of _____, 2021.

Mayor, Village of Roselle

ATTEST:

Village Clerk

P. Joe Arcillas

ATTEST:
