

ORDINANCE NO. M -2229

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
AND VARIANCE TO ALLOW THE OPERATION OF A TATTOO STUDIO
AT 18354 GOVERNORS HIGHWAY, HOMEWOOD, COOK COUNTY, ILLINOIS**

WHEREAS, 65 ILCS 5/11-13-1 *et seq.* authorizes municipalities under 500,000 population to determine and vary the application of their zoning regulations relating to the use of land; and

WHEREAS, 65 ILCS 5/11-13-1.1 authorizes the granting of a special use by the passage of an Ordinance; and

WHEREAS, 65 ILCS 5/11-13-5 authorizes the granting of a zoning variation by the passage of an Ordinance; and

WHEREAS, Hannibal Payton-Bernard is authorized by the property owner, as a tenant of 18354 Governors Highway in the Cherry Creek Shopping Center in the B-3 Service Business District; and

WHEREAS, Payton-Bernard proposes to operate a tattoo studio, classified by the Homewood Zoning Ordinance as a tattoo parlor/body piercing facility; and

WHEREAS, a tattoo parlor/body piercing facility is a special use in the B-3 Service Business District; and

WHEREAS, the special use for a tattoo parlor/body piercing facility is subject to meeting use-specific standards, including a 1,000' distance separation from the business to the property line of a place of worship; and

WHEREAS, the property line of the Woodlands Community Church is approximately 300 feet from the subject property; and

WHEREAS, the Village is in the process of updating the Zoning Ordinance and the proposed draft does not include the required separation between tattoo/body piercing facilities and churches; and

WHEREAS, the Homewood Planning and Zoning Commission reviewed and considered the request at its regular meeting on September 8, 2022, and voted unanimously (7-0) to recommend approval of the requested variance and special use, subject to the condition that employees must park in the rear; and

WHEREAS, the President and Board of Trustees of the Village of Homewood, Cook County, Illinois deem it appropriate and are willing to grant a special use permit and variance, subject to the terms and provisions hereof.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, that:

SECTION ONE - INCORPORATION OF RECITALS:

The above recitals are incorporated into this ordinance as if fully restated here.

SECTION TWO - FINDINGS OF FACT:

1. The subject property is located at 18354 Governors Highway, in the Cherry Creek Shopping Center;
2. The applicant, Hannibal Payton-Bernard, is the prospective business owner and tenant, applying with authorization by the property owner;
3. The subject property is located in the B-3 Service Business District;
4. A tattoo parlor/body piercing facility is a special use in the B-3 Service Business District;
5. The special use for a tattoo parlor/body piercing facility is subject to meeting use-specific standards, including a 1,000' distance separation from the business to the property line of a place of worship, per Section 9.2.R.3/Municode Section 44-355.r.3;
6. The applicant seeks a variance from the 1,000' separation requirement to operate his tattoo studio approximately 300' from the property line of Woodlands Community Church; and
7. The applicant has the support of the leader of the neighboring place of worship.

SECTION THREE - LEGAL DESCRIPTION:

The subject property is legally described as follows:

Lot 1 in Walgreens Resubdivision, being a resubdivision of Lots 1 and 2 in Cherry Creek Shopping Center Subdivision in part of the northern 1/4 of Section 1, Township 35 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Index Number: 31-01-225-004-0000

Common Address: 18354 Governors Highway
Homewood, IL 60430

SECTION FOUR - ISSUANCE OF SPECIAL USE PERMIT:

A special use permit is hereby granted to Hannibal Payton-Bernard to operate a tattoo parlor/body piercing facility at 18354 Governors Highway.

SECTION FIVE - GRANTING OF VARIATION:

The following variation is hereby granted to the petitioner:

A variation from Section 44-355.r.3 of the Homewood Zoning Ordinance to allow the operation of a tattoo parlor/body piercing establishment within 1,000 feet of the property line of a place of worship.

SECTION SIX - CONDITIONS:

1. Employees must park in the rear of the building

SECTION SEVEN - DOCUMENTS TO BECOME A PART OF THIS ORDINANCE:

The following documents are hereby made part of this Ordinance:

The Homewood Planning and Zoning Commission minutes of September 8, 2022, as they relate to the subject zoning.

The Homewood Village Board minutes of September 27, 2022, as they relate to this ordinance.

SECTION EIGHT - RECORDING:

The Village Attorney shall cause this Ordinance without attachments to be recorded in the Office of the Cook County Clerk - Recording Division.

PASSED and APPROVED this 27th day of September 2022.

Village President

Village Clerk

YEAS: _____ NAYS: _____ ABSTENTIONS: _____ ABSENCES: _____