

VILLAGE OF ANTIOCH

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ORDINANCE NO. 18-05-19

***AN ORDINANCE GRANTING A SPECIAL USE FOR RECYCLING AT ASH  
PALLET  
(PZB 18-02)***

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

MAY 14 , 2018

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Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 17<sup>th</sup> day of May 2018

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**ORDINANCE NO. 18-05-19**

***AN ORDINANCE GRANTING A SPECIAL USE FOR RECYCLING AT ASH PALLET  
(PZB 18-02)***

**WHEREAS**, pursuant to Chapter 15 of Title 10 of the Antioch Village Code, a public hearing was commenced by the Combined Planning Commission and Zoning Board on March 8th, 2018 following notification as required by State Law and Village Ordinance to consider a petition for a Special Use allowing for recycling at Ash Pallet located at the property commonly known as 61 McMillen Road, Antioch, Illinois.

**WHEREAS**, the Combined Planning Commission recommended approval to the Village Board to allow plastic and cardboard recycling which shall take place within the building at the subject site;

**WHEREAS**, the Corporate Authorities have concluded and found that the Special Use, subject to and in conformance with the terms and conditions of this Ordinance, conform to a majority of the required standards as required by ordinance, including; a) The compatibility of the proposed use with the existing and planned uses on abutting properties; b) Any increase in density or intensity of the proposed use that will affect the compatibility of the use with existing and planned uses in surrounding area; c) The proposed use will not change the predominant character of the surrounding area; d) The ability to mitigate adverse and understandable impact to the surrounding area, including, but not limited to the individual impacts, air emissions, noise, vibrations, glare, heat, odors, water pollution, electromagnetic interference and other nuisance effects; e) Amount of traffic generated and capacity and design of roadways and available parking facilities to handle anticipated traffic; f) The effect on infrastructure including water, wastewater, stormwater, utilities, and streets; g) The incorporation and integration of architectural and landscape features to mitigate impacts from the proposed use.

**WHEREAS**, the Corporate Authorities have concluded and found that the Special Use will further enhance economic development within the Village and promote the general welfare of the Village and the health, safety and welfare of the residents of the Village.

***NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS, AS FOLLOWS:***

**SECTION I:** The representations, recitations and findings set forth in the foregoing recitals are material to this Ordinance and such recitals are hereby incorporated into and made a part of this Ordinance as though they were fully set forth herein. This Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

**SECTION II:** That the real estate which is the subject of this ordinance (Subject Property) is legally described on the document attached as Exhibit A hereto.

**SECTION III** That the following Special Use is approved for a recycling business and the following uses:

- a) Recycling of pallets that includes repair, re-manufacture, storage and sale of pallets.
- b) Indoor and outdoor storage of old and re-manufactured pallets.
- c) Removal and storage of other recycled materials such as paper, plastic, cardboard, wood, and metal. Material to be collected and sent to other recyclers.
- d) Grinding of scrap wood for recycling and reuse for mulch, sawdust, and animal bedding.
- e) Heat treating to kill any insect larvae. This is a requirement for certain pallet users and overseas pallet shipping.
- f) Production of new wood pallets.
- g) Future pallet recycling and production as technology is updated.
- h) Storage of truck trailers and vehicles.
- i) Employee and visitor parking.
- j) Office and employee areas.

**SECTION IV:** That, subject to the conditions stated below, the Special Use shall be and is hereby approved and shall be binding upon the Village, Petitioner and Owner, and their respective owners successors, and assigns when a true execution copy of this Ordinance is tendered to the Village fully executed by the Petitioner and Owner, and when the Mayor has affixed his signature upon the Ordinance, the said conditions being:

- a) Compliance with the requirements of the Village Engineer;
- b) Compliance with the requirements of the Antioch Fire Protection District;
- c) That the applicant install an 8 foot privacy fence along McMillen screening the outdoor storage;
- d) That the applicant submit a landscape plan for landscaping outside the privacy fence and that the landscape be planted within 90 days of approval of this Special Use;
- e) That the applicant lower the existing pallet stacks to comply with the Village's screening requirements;
- f) That the screening improvements outlined in the "Preliminary Plan" be incorporated into this Special Use;
- g) That all recycling take place within the existing structure; and
- h) That the subject site be restricted to plastic and cardboard recycling.

**SECTION V:** The conditions set forth in Section IV hereinabove shall be continually met and the property maintained in compliance therewith so long as recycling is being done on the site.



**SECTION VI:** The following exhibits shall be attached to and made a part of this Special Use Ordinance and, except as expressly modified by this Ordinance, compliance with all standards, requirements, designs or specifications in such exhibits shall be a condition of the grant of this Special Use Ordinance:

- A. Village Board Reports, attached as Exhibit B;

**SECTION VII:** Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) with each and every day that the violation of the Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees. This section shall not apply to the Village of Antioch, its officials, agents or employees.

**SECTION VIII:** If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

**SECTION IX:** That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

**SECTION X:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**Passed this 14<sup>th</sup> day of May 2018**

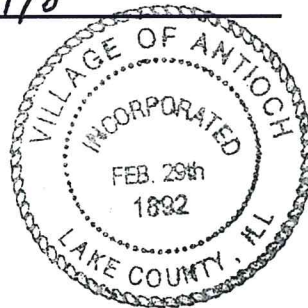
AYES: 6: Jozwiak, Pierce, Poulos, Dominiak, Johnson and Macek.  
NAYS: 0:  
ABSENT: 0:

**APPROVED:**

By: \_\_\_\_\_

Lawrence M. Hanson, Mayor

Date: \_\_\_\_\_



**ATTEST:**

By: \_\_\_\_\_

Cheryl Mateja, Deputy Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on May 14, 2018.

STATE OF ILLINOIS)

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SS

COUNTY OF LAKE )

# CERTIFICATE

I, Cheryl Mateja, certify that I am the duly appointed Municipal Deputy Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on May14, 2018, the Corporate Authorities of such municipality passed and approved Ordinance 18-05-19, entitled the applicant to operate a recycling business for plastics and cardboard at the property commonly known as 61 McMillen Road which provided by its terms that it should be published in pamphlet form.

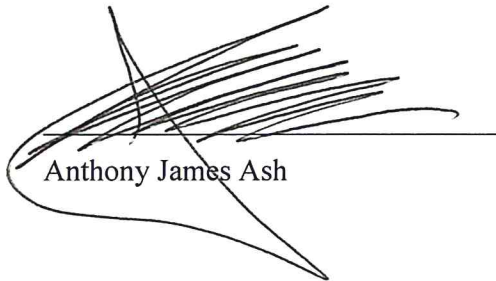
The pamphlet form of Ordinance No. 18-05-19 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on May17, 2018 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 17<sup>th</sup> day of May, 2018.


~~Cheryl Mateja, Deputy Village Clerk~~

### ACKNOWLEDGEMENT AND CONSENT

ANTHONY JAMES ASH, being the President and duly authorized representative of Ash Pallet Management, Inc., as well as a principal owner and duly authorized representative of Ash Property Management, LLC, being the operator of the business and the owner of the property which is the subject of the special use ordinance to which this Acknowledgement and Consent is attached, being further under no legal disability and having had a full and fair opportunity to read and consider the contents set forth herein, does hereby acknowledge receipt and understanding of the terms and conditions of the special use described in this Ordinance, and consents to the terms hereof on behalf of the property owner and on behalf of the business operator.



Anthony James Ash

June 5th   
Date: ~~May~~ \_\_\_\_, 2018