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**- VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS**

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**ORDINANCE NO. 20 - 02**

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**AN ORDINANCE ESTABLISHING A TEMPORARY ZONING MORATORIUM ON  
NEW AUTOMOTIVE SERVICE STATION USES**

Passed by the Board of Trustees, January 2, 2020

Printed and Published, January 2, 2020

Printed and Published in Pamphlet Form  
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS

ARLENE C. JEZIERNY, MAYOR  
MARCIA L. POLLOWY, VILLAGE CLERK

ANNETTE BRZEZNIAK-VOLPE  
ANNA BRZozowski-WEGRECKI  
ZBIGNIEW LEWANDOWSKI  
THERESE SCHUEPFER  
LAWRENCE STEINER  
GIUSEPPE "JOE" ZERILLO

I hereby certify that this document was  
properly published on the date stated above.

  
Village Clerk

**VILLAGE OF HARWOOD HEIGHTS**

**ORDINANCE NO. 20 - 02**

**AN ORDINANCE ESTABLISHING A TEMPORARY ZONING MORATORIUM ON  
NEW AUTOMOTIVE SERVICE STATION USES**

**WHEREAS**, the Village of Harwood Heights (the “*Village*”) is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

**WHEREAS**, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution;

**WHEREAS**, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs;

**WHEREAS**, Title 17 of the Village Code (the “Zoning Code”) comprehensively divides the Village into districts and classifies, regulates and restricts the location of land uses by reference to such districts;

**WHEREAS**, an “Automotive Service Station” is defined in Section 17.04.050(B) of the Village Code as a “building or portion thereof, or lot used for offering for sale at retail to the public, fuels, oils and accessories for motor vehicles and repair service, where no storage or parking space is offered for rent, and where no motor vehicles, trailers or boats are offered for sale or rent...”;

**WHEREAS**, automotive service stations are presently designated special uses in the Village’s B1 Neighborhood Shopping zoning district (Table 17.16.030.1 of the Village Code);

**WHEREAS**, the Village President and Board of Trustees (the “*Corporate Authorities*”) of the Village desire to carefully review and consider the externalities associated with automotive service stations and their impact on the public health, safety, comfort, morals and

welfare in order to protect the vitality and character of development in the Village;

**WHEREAS**, the Corporate Authorities have determined that the Zoning Code requires study and possible revision for proper regulation of automotive service stations and to study the possible effects of such uses of property and that such review will promote and enhance the public health, safety, and welfare of the Village and its residents;

**WHEREAS**, the Village has commenced a process of evaluation with the use of its planning and zoning staff and Village Attorney to determine whether there should be any additional, different, or relaxed limitations on the location and operation of such automotive service station uses;

**WHEREAS**, to preserve the status quo while the Village conducts the evaluation process, it desires to enforce a zoning moratorium on automotive service station-related uses which is not expected to last more than twelve (12) months from the effective date of this Ordinance;

**WHEREAS**, the Corporate Authorities referred to Village staff, Attorney and Plan Commission a request to research, consider and prepare a proposed text amendment to the Zoning Code to enable the Village to govern the location and standards for the operation of automotive service stations;

**WHEREAS**, following due publication of notice on November 28, 2019, in the Norridge/Harwood Heights Pioneer Press, a public hearing concerning the proposed moratorium was commenced by the Plan Commission on December 18, 2019;

**WHEREAS**, following deliberation on the evidence and testimony elicited during the public hearing the Plan Commission has considered and recommended approval of the proposed moratorium, pursuant to those written findings of fact contained in the Plan Commission's

Findings of Fact and Recommendation attached hereto as *Exhibit A* and made part of this ordinance by this reference; and

**WHEREAS**, to prevent long-term or irreversible changes in the character of the commercial areas of the Village, the Corporate Authorities hereby find and determine that it is necessary and in the best interests of the Village and its residents to impose a temporary moratorium on the filing for and/or consideration of rezonings, permitted or special uses, building permits authorizing, and zoning certificates of occupancy related to the establishment of any automotive service station uses as defined in the Village Code and set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, Cook County, Illinois, as follows:**

**SECTION 1. RECITALS.** That the foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**SECTION 2. ESTABLISHMENT OF TEMPORARY MORATORIUM.**

- A. A temporary moratorium shall be, and is hereby, established on the receipt of applications for, the processing of, the approval of, and the issuance of all permits relating to Automotive Service Stations, including without limitation, permits for the placement, installation, construction, erection, replacement, repair, modification, addition, use, maintenance, operation, or enlargement of Automotive Service Stations except as may be necessary, in the Village's sole discretion, to address safety issues associated with Automotive Service Stations existing as of the date of this Ordinance ("Temporary Moratorium").
- B. The Temporary Moratorium established in Subsection 2.A of this Ordinance shall be, and is hereby, established for a period of twelve months from the effective date of this Ordinance, which period shall expire at 12:01 AM on the date immediately following the one-year anniversary of the effective date of this Ordinance, unless prior to that time the Village President and Trustees, in their sole and absolute discretion, terminate such Temporary Moratorium by ordinance duly adopted.
- C. Notwithstanding the limitations in Subsection 2.A above, any completed applications for Automotive Service Station uses on file and pending with the Village as of the effective date of this Ordinance shall be processed in the ordinary course of Village business and shall not be impacted the enactment of this Ordinance.

- D. Notwithstanding the limitations in Subsection 2.A above, an applicant for zoning approval, a building permit or a certificate of occupancy affected by the Temporary Moratorium may seek an exception from the provisions of the Temporary Moratorium by filing a request for relief with the Village. Such request for relief shall be considered at a public hearing by the Plan Commission after notice of such public hearing is published in accordance with applicable law. Based on the evidence presented at such hearing, the Plan Commission shall make a recommendation to the Village Board. After receipt of the Plan Commission's recommendation, the Village Board, by ordinance, may grant such applicant an exception to the provisions of the Temporary Moratorium. In order to receive an exception to the Temporary Moratorium, an applicant shall demonstrate by clear evidence, and the Village Board shall determine, (i) that the effect of the Temporary Moratorium has caused or will cause a significant economic hardship on the applicant; (ii) that the applicant has no other reasonable use of the property in question other than the proposed use; (iii) that the applicant has made substantial, irrevocable investment in the development that is affected by the Temporary Moratorium, which investment was made in reasonable reliance on the regulations in effect prior to the Temporary Moratorium and without knowledge of pending changes in such regulations (including this Temporary Moratorium), and based on a probability of zoning approval by the Village; and (iv) that the development or construction as proposed complies with all other Village ordinances, regulations, and rules.
- E. An application for establishment of a business or use affected by the Temporary Moratorium may still be presented to the Village for consideration, and any such application may be processed conditionally during the pendency of the Temporary Moratorium, and/or any extension thereof, but no such application shall be finally approved (i) until the expiration of the Temporary Moratorium and (ii) unless the application complies with the applicable regulations in effect after the expiration of the Temporary Moratorium. Persons filing applications pursuant to this Subsection (D) shall do so at their own risk.

### **SECTION 3. RESOLUTION OF CONFLICTS.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

### **SECTION 4. SAVING CLAUSE.**

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the

invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

**VOTES**

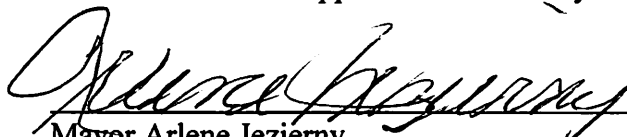
AYES: Trustee Schuepfer, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:


ABSENT:

ABSTAIN:

Passed and Approved this 2nd day of January, 2020.

  
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Mayor Arlene Jezierny

ATTEST:

  
\_\_\_\_\_  
Marcia L. Polowy, Village Clerk

STATE OF ILLINOIS

COUNTY OF COOK

**CERTIFICATION**

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 20-02 entitled:

**AN ORDINANCE ESTABLISHING A TEMPORARY ZONING MORATORIUM ON  
NEW AUTOMOTIVE SERVICE STATION USES**

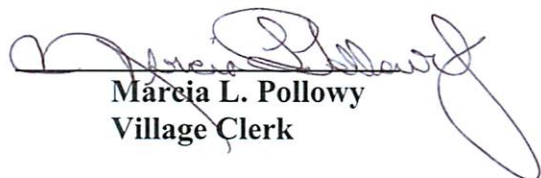
Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 2nd day of January, 2020.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 3rd day of January, 2020.



  
Marcia L. Pollowy  
Village Clerk

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