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

ORDINANCE NO. 20 - 18

**AN ORDINANCE AMENDING TITLE 17 OF THE VILLAGE OF HARWOOD
HEIGHTS CODE OF ORDINANCES ELIMINATING THE VILLAGE PLAN
COMMISSION AND ZONING BOARD OF APPEALS AND REPLACING THEM WITH
A NEWLY ESTABLISHED COMBINED
“PLANNING AND ZONING COMMISSION”**

Passed by the Board of Trustees, August 13, 2020

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By Authority of the Village Board of Trustees

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

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


Village Clerk

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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, the Corporate Authorities of the Village of Harwood Heights previously adopted Title 17 – Zoning of the Harwood Heights Code of Ordinances (“the Zoning Code”) in 1988;

WHEREAS, Section 11-13-14 of the Illinois Municipal Code, 65 ILCS 5/11-13-14, grants the Village authority to amend its Zoning Code provisions from time to time;

WHEREAS, Section 17.56.010(A)(1) of the Village Code authorizes the Village Board to “initiate and decide requests for adoption or amendments to the text of this title [Zoning Code]”;

WHEREAS, amendments to the text of the Zoning Code are adopted by the Village Board periodically to ensure that the zoning regulations are up-to-date and adequately responsive to community needs, land use trends and growth patterns within the Village;

WHEREAS, the Village most recently comprehensively updated its Zoning Code in 2011 to correspond with the goals and objectives of the Village's Comprehensive Plan and has additionally adopted amendments from time to time to address the changing needs of the Village community;

WHEREAS, the Village currently has both a Zoning Board of Appeals and a Plan Commission; and

WHEREAS, the Village has proposed certain amendments to the text of the Village Zoning Code as set forth herein designed to promote the efficiency and effectiveness of processing various zoning relief applications, to achieve certain efficiencies through consolidation, to eliminate certain confusion and duplication of efforts in the zoning and development process and to permit a more efficient operation of the Village's Zoning Officer and of the Building Department;

WHEREAS, the Village Board hereby finds that it is in the best interest of the Village to eliminate the Plan Commission and the Zoning Board of Appeals and to create a combined Planning and Zoning Commission ("PZC");

WHEREAS, the Plan Commission conducted a duly-noticed public hearing concerning the proposed text amendments to the Zoning Code at Village Hall on July 22, 2020, to consider the Village's application for amendments to the text of the Village Zoning Code (Title 17 of the Village of Harwood Heights Code of Ordinances) and the Zoning Board of Appeals was invited to participate in the hearing;

WHEREAS, all persons present at the Plan Commission public hearing were afforded an opportunity to be heard;

WHEREAS, a public notice in the form required by law was published in the *Chicago*

Daily Law Bulletin on July 7, 2020, not more than thirty (30) days nor less than fifteen (15) days prior to the Plan Commission public hearing date;

WHEREAS, the Plan Commission has jurisdiction pursuant to Section 17.56.020(A)(1) of the Village Code to hear zoning text amendment petitions and to make recommendations thereon to the Village Board, and the Village Board has final authority to approve, deny or conditionally approve the Zoning Code text amendments pursuant to Sections 17.56.010(A)(1) of the Village Code; and

WHEREAS, the Plan Commission has filed its report of Findings and Recommendations concerning the comprehensive Zoning Code text amendments, which is attached hereto and incorporated herein as **Exhibit A** (the “Plan Commission Report”), and the Village Board has had an opportunity to review and consider the Plan Commission Report, together with a recording of the Plan Commission public hearing, all exhibits presented at the public hearing and made a part of the record of proceedings, the standards and criteria by which the proposed amendments are to be judged as set forth in the Village Code and other governing law, and the proposed Zoning Code text amendments; and

WHEREAS, the Village Board concurs with the factual findings and legal conclusions rendered by the Plan Commission and substantially agrees with the recommendations made by that body with respect to the approval of the proposed Zoning Code text amendments and hereby finds and determines that the proposed text amendments satisfy the criteria set forth in Section 17.56.180 of the Village Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, in the exercise of the Village’s home

rule powers, that the Village Code be amended as follows, with all existing provisions of the Village Code not set forth below continuing in full effect as currently written:

SECTION 1. Recitals. 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. The findings and recitals herein are declared to be prima facie evidence of the law of the Village and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 2. ELIMINATION OF PLAN COMMISSION. Title 2 (“Administration and Personnel”), Chapter 2.52 (“Plan Commission”) of the Harwood Heights Village Code of Ordinances is hereby repealed in its entirety.

SECTION 3. ELIMINATION OF ZONING BOARD OF APPEALS. Title 17 (“Zoning Ordinance”), Chapter 17.04 (“General Provisions and Definitions”), Section 17.56.030 (“Establishment and powers and duties of the zoning board of appeals”) of the Harwood Heights Village Code of Ordinances is hereby repealed in its entirety.

SECTION 4. CREATION OF Planning and Zoning Commission. Title 2 (“Administration and Personnel”), Chapter 2.54 (“Zoning Board of Appeals”) of the Harwood Heights Village Code of Ordinances is hereby established and shall read as follows:

Title 2 Administration and Personnel.

Chapter 2.54 Planning and Zoning Commission.

2.54.010 - Purpose and creation.

The Planning and Zoning Commission ("PZC") is hereby created to provide the President and Board of Trustees with guidance and direction on matters respecting land uses, planning and zoning within the Village and contiguous territory outside the corporate limits of the Village within the Village's one and one-half mile jurisdiction not incorporated in any municipality, as permitted by law. The Planning and Zoning Commission is further created to fulfill its duties pursuant to the Ordinances of the Village, the laws of the State and the directives of the President and Board of Trustees. The role of the Planning and Zoning Commission shall be solely advisory in nature unless it is explicitly provided otherwise by Ordinance.

2.54.020 – Membership, Residency, Term.

The Planning and Zoning Commission shall consist of eleven members. All members of the Planning and Zoning Commission shall be referred to as "Commissioners." Commissioners must be residents of the village and shall be appointed annually for a one-year term by the president of the board of trustees, on the basis of their particular fitness for their duty on the Planning and Zoning Commission and subject to the advice and consent of the board of trustees. Notwithstanding the foregoing, the initial appointment to the Planning and Zoning Commission for each member shall expire on April 30, 2021. One of the members so appointed shall be named as chairperson at the time of appointment, while a second person shall be named as vice-chairperson at the time of appointment. The vice-chairperson shall conduct all meetings and hearings in the absence of the chairperson. One of the members so appointed shall be named as secretary at the time of appointment. In case of vacancy in the office of chairperson or vice-chairperson, the village president shall designate an existing member(s) of the Planning and Zoning Commission to serve as chairperson or vice-chairperson for the remainder of the unexpired term, subject to the advice and consent of the board of trustees.

2.54.030 – Vacancies.

A. Vacancy Deemed on Resignation, Incapacity, Death, Improper Residence, Repeated Absence or Removal; Filling Unexpired Term. The office of any Planning and Zoning Commission Commissioner shall be deemed vacant:

- 1. Upon the filing by a Commissioner of his or her written resignation with the Village Clerk;**
- 2. Upon determination by the Village President that a Commissioner has become physically or mentally incapable of serving;**
- 3. Upon the death of a Commissioner;**
- 4. Upon the determination of the Village President that a Commissioner no longer resides within the Village of Harwood Heights;**

5. Upon missing three (3) or more consecutive regular meetings or hearings of the Planning and Zoning Commission during a single appointment term or four (4) non-consecutive meetings or hearings. A member arriving more than 30 minutes after the start of a meeting or hearing shall be deemed absent. The Committee chairperson shall inform the Village President of such an attendance issue. Notwithstanding the foregoing, a Commissioner may notify the Village President in advance of the meeting or hearing that he or she will be unable to attend due to personal illness, bona fide family emergency, military commitment, jury duty, child birth, pandemic, religious festivity or event, or other reason covered by the Family and Medical Leave Act, in which case the absence shall not be counted toward the above-stated deemed vacancy. In no event shall a Commissioner receive compensation for any meetings or hearings from which he or she is absent for any reason.

B. Vacancies shall be filled by appointments for unexpired terms only.

2.54.040. Compensation.

1. Each Commissioner shall be compensated on a per-meeting basis at a rate as authorized from time to time by the village board by ordinance, provided, however, that in no event shall a Commissioner receive compensation for any meetings or hearings from which he or she is absent for any reason.

2. In the performance of its duties, the Planning and Zoning Commission may incur such expenditures as shall be authorized by the village board.

2.54.050 - Officers—Rules of procedure.

Immediately following their appointment the members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with village ordinances and state laws. All testimony by witnesses at any hearing provided for in this title shall be given under oath. The chairperson, or in his or her absence, the co-chairperson, may administer oaths and compel the attendance of witnesses. The Planning and Zoning Commission shall keep minutes of its meetings and proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Planning and Zoning Commission shall also keep records of its examinations and other official actions. Every rule, regulation, repeal, and every order, requirement, decision or determination of the Planning and Zoning Commission shall immediately be filed in the office of the building department and shall be a public record.

2.54.060 – Quorum.

Each member of the Planning and Zoning Commission shall be entitled to one vote on all matters brought before the Planning and Zoning Commission upon which a vote is required. The presence of any six (6) Commissioners of the Planning and Zoning Commission at a meeting shall constitute a quorum.

2.54.070. Voting.

The concurrence of six members of the Planning and Zoning Commission shall be necessary to adopt any motion to recommend approval of any matter or application. Any lesser vote on any such motion, even if a majority of those voting, shall be considered a final decision to recommend denial of such matter or application.

2.54.080 – Recommendations/Decisions.

- A. Every recommendation or decision of the Planning and Zoning Commission upon an application filed pursuant to this Code shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans, or specifications, upon which such recommendation or decision is based; and shall specify the reason or reasons for such recommendation or decision; shall contain a conclusion or statement separate from the findings of fact setting for the recommendation or decision of the Commission. Such a recommendation or decision of the Planning and Zoning Commission may expressly set forth any limitations or conditions recommended or imposed by the Planning and Zoning Commission.**
- B. In reaching its recommendation or decision on any such application, the Planning and Zoning Commission may rely on the personal knowledge of its members, on its inspections of the property, and on any reports available to it; provided, however, that the Commission shall make the particular knowledge, inspection, or report a matter of record at the public hearing and afford every party reasonable time to respond to it.**
- C. In any case where this Code provides that the failure of the Planning and Zoning Commission to act within a fixed period shall be deemed a recommendation for grant or denial of an application, such failure shall, notwithstanding absence of the required findings and conclusions, be considered to be a decision of the Planning and Zoning Commission rendered on the day following the expiration of such fixed period.**
- D. As to other matters brought before the Planning and Zoning Commission, the PZC shall prepare such report as it shall deem appropriate to the subject matter.**

2.54.090 - Powers and duties.

The Planning and Zoning Commission shall have the following powers and duties:

- A. To prepare and recommend to the board of trustees a comprehensive plan for the present and future development or redevelopment of the village and contiguous unincorporated territory not more than one and one-half miles beyond the corporate limits of the village and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted shall be the official comprehensive plan, or part thereof, of the village. Such plan shall be advisory except as to such part thereof has been implemented by ordinances duly enacted by the board of trustees. All requirements for public hearing, filing of notice of adoption with the county recorder of deeds and filing of the plan and ordinances with the municipal clerk shall be complied with as provided for by law;**
- B. To provide for the health, safety, comfort and convenience of the inhabitants of the village and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and the areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways, for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance;**
- C. Initiate, hear and recommend to the village board requests for adoption or amendments to the text of Title 17;**
- D. Initiate, hear and recommend to the village board requests for adoption or amendments to the official zoning map;**
- E. Hear and recommend to the village board requests for planned developments;**
- F. Hear and recommend to the village board requests for special use permits;**
- G. Hear and recommend to the village board requests for variances;**
- H. Consider and, as appropriate, provide nonbinding comments on concept plans;**
- I. Conduct pre-application meetings with prospective applicants for:**
 - a. Amendments to the text of the Zoning Code;**
 - b. Amendments to the official zoning map;**
 - c. Planned developments; and**
 - d. Special use permits.**

- I. Hear and decide appeals to the orders, decisions and interpretations of the zoning officer or other authorized official of the village having jurisdiction under this title;
- J. Recommend to the village board policies as they relate to the administration of this title; and
- K. To designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation;
- L. To recommend to the board of trustees, from time to time, such changes in the comprehensive plan, or any part thereof, as may be deemed necessary;
- M. To give aid to the officials of the village charged with the direction of projects for improvements embraced within the official plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the official comprehensive plan;
- N. To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding;
- O. To cooperate with the municipal or regional planning commissions and other agencies or groups to further the local planning program to assure harmonious and integrated planning for the area;
- P. To exercise such other powers germane to the powers granted under authority of the Illinois Municipal Code, as amended and to perform all other duties and responsibilities as may be assigned by the village board.

2.54.100 – Preparation and publication of notices of public hearings and conduct of public hearings.

The Planning and Zoning Commission shall schedule and hold all public hearings required to be conducted by it under this code in accordance with the following:

- 1. Monthly Meeting Dates. Annually, on or before December 31, a schedule of Planning and Zoning Commission meetings shall be established by the Village Board.
- 2. Where no matter is pending before the Planning and Zoning Commission, the chairperson may cancel the upcoming meeting and cause notice of said cancellation to be circulated in accordance with law.
- 3. Additional Hearing Dates. Should the number and/or complexity of applications submitted at one time prevent all of them from being heard on the corresponding hearing date, the Planning and Zoning Commission shall schedule one or more additional hearing dates as necessary to hear all applications within fifteen (15) days after the date of the regularly scheduled

hearing.

SECTION 5. AMENDMENTS TO TITLE 16. Title 16 (“Subdivisions”) of the Harwood Heights Village Code of Ordinances is hereby amended to eliminate references to the Plan Commission as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~), with those subsections not referenced herein continuing in full force and effect as written:

Title 16 - SUBDIVISIONS

Chapter 16.04 - GENERAL PROVISIONS

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16.04.030 - Definitions.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~**“Plan commission” means the village planning commission.**~~

“Planning and Zoning Commission” or “PZC” may be used interchangeably, and shall refer to the Planning and Zoning Commission of the Village of Harwood Heights, Illinois.

16.04.040 - Procedure.

Before subdividing any tract or parcel of land in the village and the unincorporated areas within one and one-half miles beyond the village limits, an owner or subdivider shall submit a preliminary plat and a final plat to be acted upon by the village authorities in accordance with the following requirements. (Prior to the preparation of a preliminary plat it is recommended that: (1) the owner or subdivider consult with the ~~**plan commission**~~ **Planning and Zoning Commission** and other village officials to secure information relative to requirements of the comprehensive plan, official map, zoning ordinance, subdivision ordinance, and any other applicable village ordinance; and (2) subsequently submit to the ~~**plan commission**~~ **Planning and Zoning Commission** a sketch plan of the proposed subdivision prepared on a topographic survey of the area showing the street systems, arrangement of lots, and location of public use areas that may be required to be reserved).

16.04.050 - Preliminary plat.

- A. The owner or subdivider shall file an application for approval of the preliminary plat with the village clerk. Ten (10) copies of the preliminary plat and the required filing fee shall accompany the application.
- B. The village clerk shall refer four copies of the preliminary plat to the ~~plan-commission~~ **Planning and Zoning Commission**, at least ten (10) days in advance of the next meeting of the ~~plan-commission~~ **Planning and Zoning Commission**.
- C. The ~~plan-commission~~ **Planning and Zoning Commission** shall notify the owner or subdivider and other interested parties as to the time and place of the ~~plan-commission~~ **Planning and Zoning Commission** meeting at which the owner or subdivider and other interested parties will be afforded an opportunity of being heard. Such notice shall be published, posted or delivered in such form as prescribed by the village attorney.
- D. The ~~plan-commission~~ **Planning and Zoning Commission** shall recommend approval or disapproval of the application for preliminary plat approval within ninety (90) days from the date of filing the application or the filing by the applicant of the last item of required supporting documents, whichever date is later, unless such time is extended by mutual consent.
- E. When the preliminary plat has been acted upon by the ~~plan-commission~~ **Planning and Zoning Commission**, it shall be referred to the village board. If the ~~plan-commission~~ **Planning and Zoning Commission** recommends approval of the plat it shall so indicate on the plat, and if it recommends disapproval of such plat it shall furnish the village board and the applicant a written statement setting forth the reason for disapproval and specifying with particularity the aspects in which the proposed plat fails to conform to this title and official map, and with the intent of the comprehensive plan. The village board shall accept or reject the plat within thirty (30) days after its regular stated meeting following the action of the ~~plan-commission~~ **Planning and Zoning Commission**.
- F. Upon approval of the preliminary plat by the village board, the following notice of approval shall be stamped upon four prints thereof, and required signatures affixed:

NOTICE OF APPROVAL

OF PRELIMINARY PLAT

Notice is hereby given that the preliminary plat of a subdivision shown hereon has received approval by the Board of Trustees of the Village of Harwood Heights, Illinois, and upon compliance by the subdivider with requirements of qualifications governing the approval of preliminary plats and with other revisions and stipulations that may be required, the Village Board will receive the final plat for consideration when submitted by the subdivider in such form and within such time as required by this ordinance.

The Board of Trustees of the Village of Harwood Heights, Illinois

Date _____ 20 ____

By _____

President

Attest _____

Village Clerk

- G. Seven prints of such approved preliminary plat shall be distributed by the village clerk as follows:
1. One print shall be sent to the ~~plan-commission~~ **Planning and Zoning Commission**;
 2. Two prints shall be sent to the village engineer;
 3. One print shall be sent to the building commissioner;
 4. One print shall be retained by the village clerk for filing; and
 5. Two prints shall be returned to the subdivider.
- H. Upon recommendation by the ~~plan-commission~~ **Planning and Zoning Commission**, approval of the preliminary plat by the village board shall be conditioned upon stipulations as set forth in Section 16.08.050.

16.04.060 - Final plat.

- A. Within six months after approval of the preliminary plan by the village board, the subdivider shall file with the village clerk an application for approval of the final plat covering all or a part of the approved preliminary plan. Such application shall include the original ink linen drawings, one transparency print, five contact prints of the final plat, and four copies of all supporting maps, drawings, and all other required documents. The final plat shall retain the design characteristics of the approved preliminary plan, except that the village board may require such changes or revisions as are deemed necessary in the interest and needs of the community, otherwise if a preliminary plan is approved by the village board, the village board cannot change the requirements for the particular subdivision if the final plat is presented within one year from date of acceptance of the preliminary plan. Accordingly, the village board may by resolution refer the application for approval of the final plat to the ~~plan-commission~~ **Planning and Zoning Commission** for recommendation and report relative to design characteristics of the final plat.
- B. In case application for approval of a final plat is made for only a part of the approved preliminary plan, the village board may extend the time for filing application for approval of final plats covering the remaining area included in the approved preliminary plan until a later date or dates, not to exceed twelve (12) months, beyond the foregoing one-year period.
- C. Within sixty (60) days from the date of filing the last required document or other paper or within sixty (60) days from the date the application for approval of the final plat was filed with the village clerk, whichever date is later, the village board shall by resolution approve or disapprove such plat. Upon the adoption of the resolution approving a final plat, the village clerk shall certify such approval and affix the seal of the village on the final plat.
- D. Upon approval by the village board, the village clerk shall secure one transparency print and four contact prints of the approved final plat, and four copies of the approved supporting documents. The cost of such prints and copies of documents shall be paid by the subdivider.
1. One contact print shall be delivered to the ~~plan-commission~~ **Planning and Zoning Commission**;
 2. One contact print and all specifications, drawings, and estimates shall be delivered to the village engineer;

3. One contact print and all specifications, drawings, and estimates shall be delivered to the building commissioner; and
 4. One transparency print and one contact print and all other supporting documents shall be retained by the village clerk.
- E. The final plat in exact form as approved shall be filed for record by the village clerk in the recorder of deeds office of Cook County within ten (10) days of acceptance thereof by the village board. The village clerk shall secure three print copies of the recorded plat. The subdivider shall pay recording fee and the cost of the print copies.

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Chapter 16.08 - PRELIMINARY PLAN

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16.08.030 - Existing conditions.

- A. Boundary lines of proposed subdivision in accordance with Section 15.08.020(C);
- B. Total acreage therein;
- C. Existing zoning districts in proposed subdivision and adjacent tracts;
- D. Location, widths, and names of all existing or previously platted streets or other rights-of-way showing type of improvement (if any), railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, section lines, and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract;
- E. Location and size of existing sewer pipes, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract also locations of catch-basins, manholes, valves, and hydrants, and indicating such data as surface and invert elevations;
- F. Location map, if required by the ~~plan-commission~~ **Planning and Zoning Commission**, drawn at a scale of not less than one inch equals one thousand (1,000) feet, showing boundary lines of adjoining unsubdivided or subdivided land within an area bounded by nearest thoroughfare or other natural boundaries, but not less than one-half mile beyond the subdivision boundaries in subdivisions located beyond the village limits, identifying type of use of surrounding land and showing alignments of existing streets;
- G. Topographic data, in accordance with subsection C of this section, shall include existing contours at vertical intervals of not more than two feet (except in unusual topographical conditions), such vertical intervals may be increased as determined by the village engineer; and the location of water courses, marshes, and other significant features. Topographic data shall refer to the city datum or U.S.G.S. datum. Soil boring data and seepage tests may be required at locations and depths as determined by the village engineer, or village board of trustees.
- H. Locations of or reference to locations of existing monuments or survey markers used in preparation of survey and grade elevation of each monument and marker.

16.08.040 - Subdivision design features.

- A. The preliminary plan shall be in substantial accord with the comprehensive plan as amended from time to time;
- B. Layout of streets, within and adjoining the plat, showing right-of-way widths and street names, not duplicating the name of any street heretofore used in the village and its environs unless such street is an extension of or in line with an already named street, in which event that name shall be used, and showing proposed through streets extended to boundaries of subdivision. The proposed street names shall be checked with the proper village officials;
- C. Location and width of alleys, pedestrian ways, and utility easements;
- D. Layout, total number of lots, and dimensions of the lot containing the minimum width and depth and the lot containing the maximum width and depths;
- E. Minimum front and side street building setback lines indicating dimensions;
- F. Areas (other than those listed in subsections B, C and D of this section) be dedicated or reserved for nonresidential purposes indicating in each the approximate acreage. Such areas shall be designated by letter or number;
- G. Typical cross-section of streets and alleys, together with an indication of the proposed stormwater run off;
- H. Proposed location, size, and gradients and invert elevations of sewers, storm drains, and open drainage ways if any, and proposed method of sewage and waste disposal;
- I. Proposed street, pavement widths, approximate street elevations and gradients;
- J. Proposed locations and sizes of water mains, valves, and hydrants;
- K. Location of proposed street lights and easements therefor;
- L. If deemed necessary by the ~~plan commission~~ **Planning and Zoning Commission**, proposed detailed grading plans of blocks and lots. No land will be approved for subdivision which is subject to periodic flooding or which contains inadequate drainage facilities, unless the subdivider agrees to make improvements which will, in the opinion of the village engineer and/or the county superintendent of highways, make such land safe for residential occupancy and provide adequate drainage.

16.08.050 - Plans and specifications for land improvements.

After the approval of the preliminary plan and prior to filing an application for approval of a final plat, the subdivider shall submit to the village engineer and other public officials having jurisdiction, construction plans and specifications, prepared by a registered engineer, for required land improvements, and if required by the ~~plan commission~~ **Planning and Zoning Commission**, detailed grading plans of lots and blocks. Such construction plans and specifications shall be approved by the village engineer and the village president with the advice and consent of the village board and such approval shall be certified on the final plat.

Chapter 16.12 - FINAL PLAT

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16.12.020 - Additional delineation.

- A. Accurate angular and lineal dimensions of all lines, angles, and curvatures with functions used to describe all boundaries including: boundary lines survey of tract; street; alleys; easements; areas to be reserved for public use; and other important features. Error of closure of boundary-line surveys shall not exceed one in five thousand (5,000) (one foot for each five thousand (5,000) feet of perimeter survey). Angular error shall not exceed plus or minus twenty (20) seconds. Lot lines shall show dimensions in feet and hundredths, and when an angle occurs in any lot line between lot corners, the measurement of the angle shall be shown in degrees, minutes, and seconds. The final plat shall show accurately the location of all permanent lot markers as actually installed;
- B. An identification system for lots using consecutive numbers;
- C. True angles and distances to the nearest established street lines and official monuments (not less than three), which shall be accurately described in the plat by location, size, and elevation;
- D. Municipal, township, county or section lines accurately referenced to the lines of the subdivision by distances and angles if same are on the boundary or within one hundred (100) feet of the subdivision;
- E. Accurate location of all monuments which shall be placed at all block corners, which shall be concrete six inches by six inches by thirty (30) inches with metal pipe or rod cast in center, and of additional monuments which shall be placed at all angle points, and at intermediate points as shall be required by the village engineer who also shall describe the type of markers to be used, and installed in such a manner that they may be located by a registered surveyor. All U.S.G.S., state, county, village or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position;
- F. Accurate outlines of any areas to be dedicated or reserved for public use, with the purpose indicated thereon, or for the exclusive use of property owners within the subdivision;
- G. Protective, covenants which meet the approval of the ~~plan-commission~~ **Planning and Zoning Commission** and the village attorney shall be made part of the final plat, or shall be filed as an accompanying document;
- H. For subdivisions containing twenty (20) acres or more in area, the village board may require declaration creating and establishing scope of activities for an architectural control committee.

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16.16.020 - Streets.

- A. All right-of-way widths shall conform to the following minimum dimensions:

Type of Street	Residential Subdivisions	Manufacturing or
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		Business Subdivision
Major Streets	Conform to major street plan and in no instance less than 100 foot width set by plan-commission <u>Planning and Zoning Commission</u>	*
Collector Streets**	80 feet	80 feet
Local Streets	66 feet	70 feet
Cul-de-sac Streets	66 feet	70 feet
Half Streets	One-half the total right-of-way of the proposed street or as required by the plan-commission <u>Planning and Zoning Commission</u> .	Not permitted
Utility Easements	10 feet	10 feet
Frontage Roads	40 feet	50 feet
Thoroughfares	Right-of-way widths and other design standards of thoroughfares, including freeways, expressways, parkways, major and secondary thoroughfares, shall be in accordance with those designated on the official plan of the village and environs, or by federal, state, or county authorities having jurisdiction, whichever has the greater width and design standards requirements.	

* Same as in residential subdivisions.

** A collector street may be required by the village board: (1) in a residential subdivision containing 20 acres or more in area and where the lots are one-half acre or less in area; (2) in any subdivision as an extension of a collector street in an adjacent subdivision; and (3) in any manufacturing or business subdivision.

B. Where there is a deflection in horizontal center lines within a given block at any given point in excess of ten (10) degrees, a curve shall be inserted with a radius of not less than:

Major and collector streets: 300 feet

Local streets: 100 feet

C. Different connecting street gradients shall be connected with vertical curves. Minimum length in feet of these curves shall provide a stopping sight distance of not less than three hundred (300) feet, measured from an eye level four feet high, with a clear view of an obstacle two feet in height.

D. Local streets shall be so aligned that their use by through traffic will be discouraged.

- E. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet should be avoided.
- F. It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow and, in general, be at or near right angles avoiding acute angles. An intersection of more than two streets shall be avoided unless specific conditions of design indicate otherwise.
- G. Alleys are not permitted in residential subdivisions unless deemed necessary by the ~~plan commission~~ **Planning and Zoning Commission**.
- H. A cul-de-sac street in single-family residential districts shall be not more than five hundred (500) feet in length, measured along the center line from the center line of the street or origin through the center of the circle to the end of the right-of-way, or may be longer than five hundred (500) lineal feet, provided not more than fifteen (15) lots abut upon its right-of-way line. In multiple-family residential districts, such street shall not exceed three hundred (300) feet in length. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of one hundred fifty (150) feet, except a cul-de-sac street that has not more than five lots fronting on its right-of-way, or a temporary cul-de-sac street may have a terminus of the "T" type or other variation of the circular shape as approved by the ~~plan commission~~ **Planning and Zoning Commission**.
- I. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the village board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever an existing or dedicated half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. A half street, where included, shall be graded at one level, and the regrading or new construction of any half street shall conform to the grade and pavement of the adjacent half street.
- J. Provisions shall be made for vehicular and pedestrian access to residential property abutting a thoroughfare either by:
 - 1. Frontage roads; or
 - 2. Double frontage lots backing to the thoroughfare. Where the double frontage backup treatment is used, a no-access strip shall be provided. These standards are established for the purpose of providing protection to residential properties and to separate through and local traffic.
- K. Gradients of streets shall be at least 0.4 percent and not exceed on:

Major and collector streets:	5%
Local streets:	8%

- L. Where streets are dedicated (whether used or not), but not improved to the standards of this chapter and border on or are wholly within the proposed subdivision land, same shall be improved to the standards of this title.

16.16.030 - Alleys and pedestrian ways.

- A. Alleys, when permitted in residential subdivisions shall be at least twenty (20) feet wide and alleys in commercial and manufacturing subdivisions shall be not less than thirty (30) feet wide.
- B. Pedestrian ways when recommended by the ~~plan-commission~~ **Planning and Zoning Commission** and approved by the village board, shall be at least fifteen (15) feet wide.

16.16.040 - Easements.

- A. Easements shall be provided for any overhead or underground utility services, including storm-water drainage, water main, and sanitary sewer service, where necessary. They shall be at least ten (10) feet wide and be established at the rear of each lot and along such other lot lines as to provide continuity of alignment from block to block. If located between two adjoining lots, the easement shall be centered on the dividing line. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors.
- B. Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a drainage easement, conforming substantially with the lines of such water course. It shall include an additional area, adjoining both edges of the established area that has been affected by damaging flood waters, having a width as required by the ~~plan-commission~~ **Planning and Zoning Commission**.

16.16.050 - Block standards.

- A. In residential subdivisions, the maximum length of blocks containing any lots less than one hundred (100) feet in width shall be one thousand two hundred (1,200) lineal feet, and the maximum length of blocks confining all lots one hundred (100) feet and over in width shall be two thousand (2,000) lineal feet. No blocks shall be less than nine hundred (900) lineal feet in length unless approved by the ~~plan-commission~~ **Planning and Zoning Commission**. Pedestrian ways leading to schools, parks, or other common destinations may be required by the ~~plan-commission~~ **Planning and Zoning Commission**. For blocks over nine hundred (900) feet in length, pedestrian ways not less than four feet in width shall be provided where deemed necessary by the ~~plan-commission~~ **Planning and Zoning Commission**.
- B. In manufacturing and business subdivisions, maximum length of blocks shall be as approved by the ~~plan-commission~~ **Planning and Zoning Commission**.
- C. The shape of blocks shall be determined by topographical features, the basic street system and traffic pattern, lot depths, and areas designated for public and other nonresidential land uses.
- D. Where a subdivision borders upon or is traversed by a railroad right-of-way or thoroughfare street, the ~~plan-commission~~ **Planning and Zoning Commission** may require a street on one or both sides of such right-of-way or street located approximately parallel to and at a distance removed suitable for the appropriate use of the intervening land, i.e., park purposes, deep residential lots fronting on it with a no access strip along the rear property lines, and off-street parking, business, or other uses as permitted by the zoning ordinance.

16.16.060 - Lot standards.

A. General.

1. In general, lots should be as nearly rectangular in shape as practicable.
2. Width and area of lots shall conform with lot width and area requirements set forth in the zoning ordinance of the village or that of Cook County in the unincorporated areas beyond the village limits. Corner lots shall be increased in width by twenty (20) percent over the width of typical interior lots, except that corner lots need not exceed ninety (90) feet in width, if the ninety (90) feet in width is greater than the width of the typical lot, except the village board may require, when recommended by the ~~plan-commission~~ **Planning and Zoning Commission**, a greater lot width to provide for the proper development of intersection design and traffic safety.
3. Side lines of lots shall be at right angles or radial to the street line, or substantially so.
4. Lots abutting upon a water course, drainage way, channel, or stream, shall have an additional depth or width as required by the ~~plan-commission~~ **Planning and Zoning Commission** in order to provide acceptable building sites.
5. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, water courses, historic spots, or similar conditions.

B. Residential Subdivision.

1. Lots shall have a minimum width of forty (40) feet measured at the building line and a minimum average depth of one hundred twenty (120) feet. The depth shall be computed by averaging the depths of the two side lot lines.
2. All lots for single-family residential use shall abut upon a publicly dedicated street.
3. Double-frontage lots are not permitted:
 - a. Except where lots back upon a thoroughfare and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. Such lots shall have an additional depth of at least ten (10) feet in order to allow for a protective screen planting; and
 - b. Except where lots back upon a body of water in separate or individual ownership, shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required in the zoning ordinance for front, rear and side yards.

C. Industrial Subdivision.

1. Depth of lots shall be not less than two hundred (200) feet;
2. All lots for industrial development shall abut upon a publicly dedicated street;
3. Double-frontage lots are permitted if lot depth is four hundred (400) feet or more, or where lots back upon a body of water in separate or individual ownership, or upon a thoroughfare and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable.

16.16.070 - Public use areas.

When an area of land is required by the ~~plan-commission~~ **Planning and Zoning Commission** or the village board deems such requirements to be reasonable, for public use, to be located in whole or in part in a subdivision, shown in the general development plan for the village and adjacent unincorporated areas, in addition to streets, alleys, pedestrian ways, and utility easements, the subdivider shall designate on the preliminary plan and final plan that such land is reserved for public use. In no case shall the total amount of required public areas to be dedicated, in addition to streets, alleys, pedestrian ways, and utility easements, exceed ten (10) percent of the total gross acreage owned and controlled by one developer. The ~~plan-commission~~ **Planning and Zoning Commission** or the village board may require reservation of land in excess of the ten (10) percent to be dedicated, within the subdivision for acquisition. If such land is not acquired or arrangements made for acquisition by the village, a school board, or other governmental body within one year after the date of recordation of the final plat, such land may thereafter be used by the subdivider for a use permitted at its location by zoning regulations or, if applicable, in accordance with more restrictive protective covenant requirements.

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Chapter 16.20 - REQUIRED IMPROVEMENTS

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16.20.020 - Sewers.

- A. A complete system of sanitary sewers shall be installed, including sewer stub terminals at the property line of each lot, to serve all lots in a subdivision or lot division. This system of sewers shall be connected with the sanitary sewer system of the village otherwise to a specially constructed sanitary sewage disposal plant in accordance with plans acceptable to the village and Metropolitan Sanitary District of Greater Chicago. All connections to the sewer systems shall comply with existing ordinances and shall be subject to the approval and inspection of the village engineer or any other party assigned by the village board to inspect same.
- B. All sanitary sewer systems shall be constructed in accordance with standards and specifications of the village and other governmental authorities having jurisdiction. All sewer design, plans, and specifications shall be submitted to the village engineer for approval and a copy to the ~~plan-commission~~ **Planning and Zoning Commission** to be filed. Each lot platted for the subdivision shall be served by the sanitary sewer system.
- C. Where sanitary sewer mains of larger capacity than necessary are required, as directed by the village board to serve future growth in the vicinity of the subdivision, the subdivider shall be required to pay for the proportionate benefit of the installation of his or her subdivision, as established by the village board.
- D. A subdivision plat shall in no case be approved which shall be dependent upon individual septic tanks and private wells.

- E. An adequate system of storm water drainage shall be constructed and installed, consisting of natural water courses, storm sewers and other necessary facilities in accordance with village standards and specifications. Open ditches shall be prohibited, except where they may be required in state or county rights-of-way.
- F. The storm-water drainage system shall be separate and independent of the sanitary sewerage system, and be installed in accordance with village standards and specifications.
- G. Where it is necessary to construct storm sewers through land not being subdivided, the village shall pay a percentage of the cost of the storm sewer, provided funds are available, based on the percentage of the drainage area contributing to this storm sewer, downstream from the subdivision. The subdivider's percentage shall be based on the percentage of drainage area coming through and including this subdivision.

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16.20.050 - Streets and alleys.

A. Street Grading.

- 1. All stumps, trees that cannot be saved, boulders, and similar items in street rights-of-way shall be removed.
- 2. Before any paving work is commenced, all street grading shall be properly completed as shown on the grading plan and approved by the village engineer.
- 3. After grading of streets is completed and approved, and before any base course of the roadway pavement is laid, all of the underground work, such as water, sewer, and gas mains, house service connections therewith and all underground conduits for electric and telephone lines, shall be completely installed in place and approved.

B. Street Improvements.

- 1. All streets shall be improved with roadway pavements to an overall width in accordance with the following minimum dimensions:

PAVEMENT WIDTH

(BETWEEN BACK OF CURBS AND OUTER EDGES OF ROADWAY PAVEMENT)

Type of Street	Residential Subdivision	Manufacturing or Business Subdivision
Major Streets	Two 24 foot roadway divided by a vertical strip	
Collector Streets	36 feet	44 feet
Local Streets	31 feet	40 feet
Cul-de-sac	31 feet	40 feet
Frontage Road	26 feet	36 feet

Thoroughfares	In accordance with federal, state, county, or local requirements	
Half street	½ the width of proposed street but no less than 18 feet	Not Permitted
Alleys	20 feet	24 feet

Roadway pavements in cul-de-sac street terminus shall have a minimum diameter, measured from backs of the outside curb of not less than eighty (80) feet for residential subdivisions and not less than one hundred (100) feet for manufacturing and business subdivisions.

- Roadway pavements shall be installed in accordance with the latest design standards of the State of Illinois Division of Highways and with the following minimum requirements:

Base Course	Residential	Manufacturing or Business
Water bound macadam	8 inches	9 inches
Crushed stone	8 inches	10 inches
Crushed gravel	9 inches	11 inches
Pozzolanic mix	6 inches	8 inches
Bituminous surface		
Binder course	1 ¼ inches	1 ½ inches
Surface course	1 inch	1 inch
Portland cement concrete pavement	6 inches	8 inches

- Concrete curbs and gutters shall be constructed along the outside edges of all street pavements of the type designated by the village engineer and installed in accordance with village standards and specifications.
- Storm water inlets shall be provided within roadway improvement at points specified by the village engineer.
- A paved access driveway from the street lot line to the street pavement shall be provided. Pavement shall be of concrete construction installed in accordance with village standards and specifications.
- Side strips shall be required on both sides of all streets. They shall be graded and prepared for seeding by the subdivider with at least four inches of top soil. Median strips shall be considered as side strips unless paved.
- Sidewalks shall be installed in all residential and commercial subdivisions and shall be constructed in accordance with village standards and specifications. Minimum width of sidewalks in residential districts shall be four feet and in commercial districts six feet or of greater width if required by the village board and recommended by the ~~plan commission~~ **Planning and Zoning Commission**.

8. Trees shall be planted along all streets where trees do not exist. Trees shall have a trunk diameter, measured twelve (12) inches above the ground, of not less than two and one-half inches, and shall be spaced not more than fifty (50) feet apart. This requirement will be satisfied in an equivalent number of trees of the same size or larger are planted in a naturalistic manner in the front yards of the adjoining lots. The plantings shall be restricted to thornless honey locusts, sugar maples, hackberries, pin oaks, sycamores, sinkholes, and/or any other trees approved by the village board. Chinese elm, box elder, willow, poplar, and similar fast-growing brittle-wood species are prohibited. Trees shall be maintained and dead trees replaced by the subdivider for a period of two years after initial planting.
9. Street signs shall be provided by the subdivider in accordance with village standards and specifications and shall be located so as to identify every street within the subdivision.
10. Provisions shall be made for the adequate lighting of public streets within the proposed subdivision in accordance with the standards and requirements established by the village and any governing authority having jurisdiction in the area.

Chapter 16.24 - ADMINISTRATION

16.24.010 - Fee for filing preliminary plat.

The fee shall be paid to the village clerk at the time of submission of preliminary plat. No plat shall be forwarded to the ~~plan-commission~~ **Planning and Zoning Commission** for review without a receipt from the village clerk being exhibited showing full payment of the fee. Payment of the fee is in no way contingent on whether the plat of subdivision submitted is approved or disapproved. (The amount of the fee shall be determined by the village board.)

16.24.020 - Village engineer's services.

- A. The cost incurred by the village for the review of plans and specifications by the village engineer shall be paid by the subdivider. Such costs shall be guaranteed under the bond to the village at the time of application for approval of a final plat.
- B. All required land improvements to be installed under the provisions of this title shall be inspected during the course of construction by the village engineer and building commissioner. The cost of such inspection shall be at a rate fixed by the village board and shall be paid by the subdivider to the village.

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16.24.050 - Variances.

The ~~plan-commission~~ **Planning and Zoning Commission** may recommend variances from the literal application of the design standards specified in this section:

- A. Where conformance with these standards is made impossible by topography or surrounding development;
- B. Where an existing plat is to be re-platted in a manner which more nearly complies with these requirements than the existing plat; or
- C. Where the proposed subdivision does not follow the conventional system of development of lots, blocks or streets.

16.24.060 - Conditions.

In recommending any variance, the ~~plan-commission~~ **Planning and Zoning Commission** shall specify conditions necessary to assure that the proposed subdivision:

- A. Will not be detrimental to the neighborhood and to the community as a whole;
- B. Complies with the major streets plan, the park and playgrounds plan, and other elements of the comprehensive plan of the village;
- C. Complies with the intent of this title; and
- D. Does not violate any other ordinances or regulations of the village.

16.24.070 - Extent of variances.

The ~~plan-commission~~ **Planning and Zoning Commission** shall vary design standards to no greater extent than is necessary to permit reasonable development of the property to be subdivided.

16.24.080 - Procedure.

Such recommendations shall be communicated to the village board or governing county authorities in writing, substantiating the recommended variation. The village board or other county authorities may approve variations from these requirements for subdivisions when, in its opinion, such variations will not adversely affect the comprehensive plan or the spirit of this title. The ~~plan-commission~~ **Planning and Zoning Commission** shall notify the owner or subdivider and other interested parties as to the time and place of the ~~plan-commission~~ **Planning and Zoning Commission** meeting at which the variation is being considered and where owner or subdivider and other interested parties will be afforded an opportunity of being heard. Such notice shall be published, posted or delivered and in such form as prescribed by the village attorney.

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SECTION 6. AMENDMENT TO TITLE 17, CHAPTER 17.04, SECTION

17.04.050. Title 17 (“Zoning Ordinance”), Chapter 17.04 (“General Provisions and Definitions”), Section 17.04.050 (“Rules - Definitions”) of the Harwood Heights Village Code of Ordinances is hereby amended to eliminate references to the Plan Commission and Zoning Board of Appeals as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~), with those subsections not referenced herein continuing in full force and effect as written:

Title 17 Zoning Ordinance.

Chapter 17.04 General Provisions and Definitions.

...

Section 17.04.050 Rules – Definitions.

...

B. Definitions. For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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~~"Plan commission" means the village plan commission.~~

"Planning and Zoning Commission" or "PZC" may be used interchangeably, and shall refer to the Planning and Zoning Commission of the Village of Harwood Heights, Illinois.

...

~~"Zoning board of appeals" means the Zoning Board of Appeals of Harwood Heights, Illinois.~~

SECTION 7. AMENDMENT TO TITLE 17, CHAPTER 17.04, SECTION 17.04.050. Title 17 ("Zoning Ordinance"), Chapter 17.56 ("Administration and Enforcement") of the Harwood Heights Village Code of Ordinances is hereby amended as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~), with those subsections not referenced herein continuing in full force and effect as written:

Title 17 Zoning Ordinance.

Chapter 17.56 - ADMINISTRATION AND ENFORCEMENT

17.56.020 - Powers and duties of the Planning and Zoning Commission~~plan-commission~~.

- A. The Planning and Zoning Commission~~plan-commission~~, as established in Chapter 2.524 of the village code, shall have all of the following duties under this title:
1. Initiate, hear and recommend to the village board requests for adoption or amendments to the text of this title;
 2. Initiate, hear and recommend to the village board requests for adoption or amendments to the official zoning map;
 3. Hear and recommend to the village board requests for planned developments;
 4. Hear and recommend to the village board requests for special use permits;
 - 5. Hear and recommend to the village board requests for variances;**
 - ~~6.~~ Consider and, as appropriate, provide nonbinding comments on concept plans;
 - ~~7.~~ Conduct pre-application meetings with prospective applicants for:
 - a. Amendments to the text of this title;
 - b. Amendments to the official zoning map;
 - c. Planned developments; and
 - d. Special use permits.
 - 8. Hear and decide appeals to the orders, decisions and interpretations of the zoning officer or other authorized official of the village having jurisdiction under this title;**
 - ~~9.~~ Recommend to the village board policies as they relate to the administration of this title; and
 - ~~9.~~ Perform all other duties and responsibilities as may be assigned by the village board.
- B. Expenditures. In the performance of its duties, the Planning and Zoning Commission~~plan-commission~~ may incur such expenditures as shall be authorized by the village board. Each member and the secretary shall be compensated at a rate as authorized from time to time by the village board by ordinance.

17.56.030 - Reserved. -

~~17.56.030—Establishment and powers and duties of the zoning board of appeals.~~

- ~~A. Creation. The zoning board of appeals is created in accordance with the Illinois Compiled Statutes, provided however that in the event of a conflict the provisions of this section shall prevail.~~
- ~~B. Membership and Term of Office. The village president shall appoint a zoning board of appeals consisting of seven members, which shall be confirmed by a majority vote of the members of the village board present and voting thereof. The members are appointed annually and must reside in the village. One of the members so appointed shall be named as chairperson at the time of appointment, and in the case of a vacancy,~~

~~the village president shall designate a chairperson which shall be confirmed by a majority vote of the village board present and voting thereof. The village president shall have the power to remove any member of the zoning board of appeals for cause, after a public hearing. Vacancies on the zoning board of appeals shall be filled, for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such new member.~~

~~C. Meetings and Rules. Regular meetings of the zoning board of appeals shall be held at the call of the chairperson as necessary to act on any matters pending before the board and at such times and places within the village as the zoning board of appeals may determine. All testimony by witnesses at any hearing provided for in this title shall be given under oath. The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. The zoning board of appeals shall keep minutes of its meetings and proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The board shall also keep records of its examinations and other official actions. The concurring vote of four members of the zoning board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the zoning officer or to decide in favor of the applicant on any matter on which it is authorized by this title to render a decision or recommendation. Every rule, regulation, repeal, and every order, requirement, decision or determination of the zoning board of appeals shall immediately be filed in the office of the building department and shall be a public record.~~

~~D. Expenditures. In the performance of its duties, the zoning board of appeals may incur such expenditures as shall be authorized by the village board. Each member and the secretary shall be compensated at a rate as authorized from time to time by the village board by ordinance.~~

~~E. The zoning board of appeals shall have all of the following duties under this title:~~

- ~~1. Hear and decide appeals to the orders, decisions and interpretations of the zoning officer or other authorized official of the village having jurisdiction under this title;~~
- ~~2. Hear and recommend to the village board requests for variances;~~
- ~~3. Consider and, as appropriate, provide nonbinding comments on concept plans;~~
- ~~4. Recommend to the village board policies as they relate to the administration of this title; and~~
- ~~5. Perform all other duties and responsibilities as may be assigned by the village board.~~

17.56.040 - Powers and duties of the zoning officer.

A. The zoning officer shall have all of the following duties under this title:

1. Maintain permanent and current records pertaining to:
 - a. This title and amendments to it;

- b. The official zoning map and amendments thereto;
 - c. All decisions, actions and orders of the zoning officer and other village officials having jurisdiction under this title;
 - d. All decisions of the **Planning and Zoning Commission** ~~plan-commission, zoning board-of-appeals~~ and village board made in accordance with this title and the application materials, reports, correspondence, notices, minutes, transcripts and other documents and materials of record on which those decisions are based;
 - e. Decide requests for zoning certificates;
 - f. Decide requests for certificates of occupancy;
 - g. Decide requests for fence permits;
 - h. Decide requests for sign permits;
 - i. Decide temporary use permits;
 - j. Decide requests for demolition permits;
 - k. Initiate requests for amendments to the text of this title and the official zoning map;
 - l. Accept, process, review and recommend all applications to be heard by the ~~plan commission and zoning board-of-appeals~~ **Planning and Zoning Commission**;
 - m. Conduct pre-application conferences with prospective applicants;
 - n. Provide information to the public concerning the provisions of this title;
 - o. Interpret all provisions of this title;
 - p. Enforce all provisions of this title and all permits and approvals granted hereunder, including all conditions placed on same; and
 - q. Perform all other duties and responsibilities as may be assigned by the village board.
- B. The above notwithstanding, some or all of the above duties may be delegated to other village officials or consultants to the village with the approval of the village board. In the event of such delegation, the person assuming the delegated duties shall have the same authority as, and his or her decisions and orders shall have the same effect as, those of the zoning officer with respect to the particular duty.
- C. The zoning officer is designated and authorized to enforce this title. However, it shall be the duty of all officers, citizens, and employees of the village to assist the zoning officer by reporting to him or her any new construction, reconstruction, demolition, improved land uses, or any seeming violation.

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TABLE 17.56.060.1—ADMINISTRATIVE DEVELOPMENT REVIEW PROCEDURES SUMMARY

		Acting Body	
Application Process	Pre-Application Conference	Zoning Officer	Zoning Board of Appeals <u>Planning and Zoning Commission</u>
Zoning Certificate	O	DM	A
Building Permit	O	DM	A
Certificate of	O	DM	A

Occupancy			
Fence Permit	O	DM	A
Sign Permit	O	DM	A
Temporary Use Permit	O	DM	A
Demolition Permit	M	DM	A
LEGEND O = Optional/Recommended; M = Mandatory DM = Decision Making Body; A = Appeal Body; <u>Planning and Zoning Commission – Planning and Zoning Commission</u>			

TABLE 17.56.160.1—NON-ADMINISTRATIVE DEVELOPMENT REVIEW PROCEDURES SUMMARY

Application Process	Pre-Application Conference	Acting Body				Notices		
		Zoning Officer	PC	Planning and Zoning Commission <u>Planning and Zoning Commission</u>	Village Board	Public Notice	Mail	Sign
ZONING CODE AMENDMENTS								
Code Text	M/PC	R	R/PH	R/PH	DM	M		
Zoning Map	M/PC	R	R/PH	R/PH	DM	M	M	M
CONCEPT PLAN								
Concept Plan			— See Section 17.56.190 —					
PLANNED DEVELOPMENT								
Final Plan	M/PC	R	R/PH	R/PH	DM	M	M	M
Plan Amendments			— See Section 17.56.200 —					
Special Use Permit	M/ZO	R	R/PH	R/PH	DM	M	M	M
Variances	M/O	R		R/PH	DM	M	M	M
Appeals of Administrative Decision	O/ZO			DM/PH		M		
LEGEND								
O = Optional/Recommended; M = Mandatory; PH = Public Hearing								

DM = Decision Making Body; A = Appeal Body; R = Recommending Body
ZO = Zoning Officer; Planning and Zoning Commission – Planning and Zoning Commission ~~PC = Plan Commission; Planning and Zoning Commission = Zoning Board of Appeals~~

17.56.170 - Non-administrative development review common elements of procedures.

The following elements are common to all procedures unless otherwise modified by more specific provisions.

- A. Time Frames. The time frames for action on the part of the village and applicant are established as part of the administrative policies of the village, a copy of which can be obtained from the building department during regular business hours.
- B. Pre-Application Conference.
 - 1. Purposes. The general purposes of a pre-application are to:
 - a. Obtain a complete understanding of the proposed project and the applicant's specific objectives;
 - b. Identify all of the approvals necessary to construct the proposed development;
 - c. Identify applicable administrative policies including, but not limited to, those pertaining to time frames/deadlines, fees and requirements/recommendations for neighborhood meetings;
 - d. Identify all of the documents, plans, drawings, fees and other materials necessary for a complete application;
 - e. Identify the most significant issues that the development will need to address in order to gain approval; and
 - f. Provide the applicant with direction on how to meet the requirements of this title and other applicable codes, regulations and policies.
 - 2. Applicability. Table 17.56.160.1 indicates the development permits for which a pre-application conference is required or recommended. For applications to be heard by the ~~plan commission~~ Planning and Zoning Commission, the pre-application conference shall be held with the ~~plan commission~~ Planning and Zoning Commission or its designed. For all other applications, a pre-application conference with the zoning officer is highly recommended.
 - 3. Application Submittal Requirements. Submittal requirements for various types of development permits are established by administrative policy of the village, a copy of which can be obtained from the building department during regular business hours. These requirements are typical for the type of approval required; however, the scope of any specific development application may require different types or levels of information. At the pre-application conference, the zoning officer shall determine what information shall be submitted in order to provide for an adequate assessment of the project. At any time during the processing of any application, additional information may be required to address issues or concerns that may not have been evident at the pre-application conference. Requirements and information from the pre-application conference shall be recorded on a form supplied by the department and made part of the development file upon submittal of the application.
- C. Application Requirements.

1. **Materials.** Lists of required application materials are available from the building department during regular business hours.
2. **Application Deadlines.** Schedules of application deadlines are established by administrative policy and are available in the zoning department during regular business hours.
3. **Application Fees.** The village board sets fees in amounts sufficient to recover all or a portion of the costs of processing, publicizing and reviewing development applications including requirements for deposits or escrow funds necessary to cover expenses incurred by the village for technical consultants. The most recent fee schedule, as adopted by the village board, is available from the building department during regular business hours.
4. **Completeness.** The zoning officer shall review the application and determine if the application is complete for purposes of village staff and agency review and shall notify the applicant of any missing or incomplete materials.

D. Procedures.

1. **Staff Review.** Applications shall be reviewed by village staff and other appropriate agencies for compliance with village and agency codes and policies. Upon completion of the staff review, village staff will provide its comments in writing to the applicant.
2. **Review by Other Agencies.** The zoning officer may forward copies of the applications to various agencies for their review. These agencies include, but are not limited to, the following:
 - a. Other village departments;
 - b. Consultants to the village (e.g., planners, engineers, architects, plan revisers, etc.);
 - c. Telecommunications, gas, electric and other utilities;
 - d. School districts;
 - e. Law enforcement agencies;
 - f. Fire department or districts;
 - g. The metropolitan water reclamation district;
 - h. Cook County staff, ~~zoning board of appeals~~ **Planning and Zoning Commission**, or board members;
 - i. State agencies (e.g., IDNR, IEPA, IEMA, IDOT, etc.); and
 - j. Federal agencies (e.g., Federal Emergency Management Agency, U.S. Army Corps of Engineers, etc.).
3. **Agency and Department Comments.** Agencies will be asked to respond in writing concerning the requested review. The agencies' comments are advisory in character and do not constitute approval or disapproval. All comments shall be forwarded to the applicant for response.
4. **Applicant's Response.** The applicant shall respond to staff and agency comments in writing.
5. **Review of Response.** Upon receipt of the applicant's response to comments, the zoning officer shall determine if sufficient information has been provided to schedule the application for a hearing. If the zoning officer deems the application insufficient for such purposes, the zoning officer shall notify the applicant in writing of the informational deficiencies.

E. Notice.

1. **Purpose.** Public hearings under this section and notice thereof provide the opportunity for input in decisions that may affect the community. Public participation ensures that

decisions reflect consideration of the community interest and ensure that the applicant and other interested parties are given due process—the opportunity to be heard. Accordingly, nothing herein shall prohibit the zoning officer from providing public notice that meets or exceeds these requirements for any type of development permit, whenever he or she believes such notice will further the purposes and intent of this title.

2. Published Notice.

- a. Except as otherwise specifically provided for in this chapter, in any instance in which a public hearing is required, a notice setting forth the date, time, place and purpose of such hearing, the general nature of the request or matter to be heard, the name of the applicant and property owner, and identification of the location of the subject property must be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the village.
- b. With all other required application material, the applicant shall either provide the information for the notice, or bear the cost of collection, to the zoning offices. The village shall be responsible for preparing the notice for publication and submitting it to the newspaper.

3. Mailed Notice.

- a. Mailed notice of a public hearing, as may be required by administrative policy of the village, shall be prepared and sent by the zoning officer at the applicant's cost by first class U.S. Mail. The notice shall be mailed to each property owner within two hundred fifty (250) feet of the subject property at the mailing address listed in the official records of the Cook County, Illinois Assessor.
- b. The point at which the distance is measured for the mailed notice shall begin at the property boundary line that completely encompasses the subject proposal. The distance to affected properties shall be measured in a straight line from the subject property boundary.
- c. Mailed notice shall state the date, time, place, and purpose of the hearing, a general description of the proposal or nature of the request or matter to be heard, the location of the property which is the subject of the hearing, the name of the applicant and subject property owner and other such requirements as further specified in this title. The mailed notice must also include a statement explaining that members of the public may be heard at the public hearing and interested parties may cross-examine those testifying at the hearing, where required by law. The timing of the mailed notice shall be as established by administrative policy of the village. Newspaper clippings of the published notice shall not be used for mailed notice.
- d. The failure of a property owner to receive notice by mail, if timely sent and properly prepared in accordance with this section, shall not be grounds for invalidating any action taken by the responsible decision-making body.

4. Property Sign.

- a. A sign, posted on the property that is the subject of the application, and advising the general public of the public hearing, may be required by administrative policy of the village, which policy may also include the requirements for the sign such as, but not limited to, its content, size, location and time period of display. A copy of the applicable administrative policy, if any, shall be available from the building department during regular business hours.

- b. A sign that is posted on the subject property in accordance with the provisions of the applicable administrative policy and which is later removed, defaced, damaged, knocked down or otherwise rendered not visible to the public through acts of nature or actions by any person or persons, other than the applicant, shall be deemed to fully comply with the applicable administrative policy and shall not be grounds for invalidating any action taken by the responsible decision-making body.
 - c. Combined Notice. In instances where a proposed development requires action on several development permits at the same hearing, the zoning officer may provide a single, combined notice for all actions to be taken.
5. Substantial Compliance. Notice shall be deemed to be complete when there is substantial compliance with the requirements of this section. Minor technical deviations in the language of published or mailed notice or property signs shall not be deemed to impair the notice when notice has been given. The requirement for the number of days of notice, for the general types of notices and for specifying the time, date and place of a hearing and the general location of the property shall be strictly construed; where there is a question raised at the hearing regarding the adequacy of notice, the body conducting the hearing shall make a formal finding as to whether there was substantial compliance with the notice requirement.
- F. Request for a Continuance Prior to Hearing. An applicant shall have the right to one continuance prior to the public hearing, provided that a written request is filed with the zoning officer at least five business days prior to the date of the hearing being continued. If an application is not continued in this manner, the right to a continuance shall be waived. There is no tacking of rights from one application to another. Additional continuances shall be per subsection (H)(5) of this section.

An applicant requesting a continuance shall make reasonable efforts to notify all persons previously advised of the hearing by mail that a continuance has been requested. Reasonable efforts shall include, but not be limited to, personal notice, broadcast or print media notice, property signs, and any other form of notice determined by the zoning officer to be reasonable. The applicant shall reimburse the village and provide all materials necessary to provide published and mailed notice of the rescheduled public hearing date in the same manner and in accordance with the same time schedule as for the original date.

The review body scheduled to conduct the hearing shall, upon compliance with this section, grant the continuance to a time and date certain, to be decided at its discretion. The hearing may be continued without being opened for public testimony. Requests for additional continuances shall be heard as per subsection (H)(5) of this section.

- G. Withdrawal of Application. At any time prior to the hearing on an application, the applicant may request in writing that the application be withdrawn from consideration, subject to forfeiture of fees. After a hearing is opened, an applicant may request a withdrawal; however, the body conducting a hearing shall decide whether or not to approve the request and may approve the request either with or without prejudice. An application that is approved for withdrawal with prejudice may not be resubmitted for one year from the date of withdrawal.

H. Public Hearing Procedures.

1. **Timing.** When the zoning officer determines that a development permit application is sufficient to be scheduled for a public hearing, notice of such hearing shall be made pursuant to subsection (E) of this section.
2. **Purpose of Hearing.** The purpose of a public hearing is to allow the applicant and all other parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, to rebut evidence presented by others, and the opportunity to cross-examine witnesses as permitted by law.
3. **Hearing Body.** Public hearings for non-administrative permits shall be held as indicated on Table 17.56.160.1.
4. **Conduct of Hearing.**
 - a. Any person or persons may appear at a public hearing and submit evidence, either individually or via a representative. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization or group, the name and mailing address of the organization or group. Persons claiming "interested party" status shall so qualify and register with the village as per adopted administrative policies, a copy of which can be obtained from the building department during regular business hours.
 - b. The zoning officer's report and recommendations shall be made available to the applicant, the public, and the members of body conducting the hearing prior to the public hearing. The chair of the body conducting the hearing may direct that the zoning officer provide a summary presentation of the report and recommendations before opening the hearing to public comment.
 - c. The chair may exclude testimony or evidence that is irrelevant, immaterial or unduly repetition. Cross-examination of witnesses shall be permitted as per the adopted administrative policies of the review body.
5. **Continuance.**
 - a. **Request for a Continuance at the Hearing.** At any time prior to a final decision, an applicant may request an application be continued for further proceedings. In so doing, the applicant shall state the reasons for the request. The granting or denial of a request for a continuance at this stage of the process shall be at the sole discretion of the body conducting the hearing. A majority vote of those members in attendance shall be required to grant a continuance. The record shall reflect the reason(s) such continuance was granted, any stipulations or conditions placed upon the continuance, and the date and time at which the matter will be heard.
 - b. **Directed Continuance.** At any time prior to a final decision, the body conducting the hearing may on its own motion continue a hearing. A majority vote of those members in attendance shall be required to direct a continuance of an item. The record shall reflect verbatim the reason(s) such continuance was granted, any stipulations or conditions placed upon the continuance, and the date and time at which the matter will be heard.
6. **Rules of Construction.** The provisions concerning requests for continuances at a hearing and directed continuances shall be liberally construed by the public body when the purpose or expected result of the continuance is:
 - a. Increased efficiency in the development review process;
 - b. A reassessment of a design or a position;

- c. Consideration or re-consideration of evidence in favor or opposed to an application; and/or
 - d. Any other opportunity for the process to work toward the goal of guiding and accomplishing coordinated and harmonious development of the village and its environs.
7. Purpose. The purpose of this subsection is to generally encourage efficiency and to that end, the legal issues of justifiability shall be de-emphasized but not to the point of compromising fundamental fairness and due process.
 8. Record of Proceedings.
 - a. The body conducting the hearing shall record the proceedings by any appropriate means, including summary and minutes, and according to such procedures as the village may from time to time prescribe by administrative policies.
 - b. The verbatim or summary testimony and statements of personal opinion, the minutes of the secretary, all applications, exhibits and papers submitted, all staff and advisory body or commission reports and recommendations, and the decision and report(s) of the body conducting the hearing shall constitute the record.
 9. Additional Rules. The body conducting the hearing may adopt rules of procedure to limit the number of applications for development approval which may be considered per meeting and to limit the time for each presentation or each speaker.
 - I. Decision-Making.
 1. Action. As provided by this title, the acting body shall decide or recommend: to approve, approve with conditions, or deny applications. The acting body shall base decisions or recommendations on consideration of evidence and analysis presented including, but not limited to, the following:
 - a. Conformance with the title, the adopted comprehensive plan and other adopted plans, overlay districts, codes, standards and policies;
 - b. Recommendations of staff and recommending bodies as applicable;
 - c. Review agency input;
 - d. Public input and testimony received at the hearing; and
 - e. Impacts of the proposal on the neighborhood, area, and community-at-large.
 2. Authority to Condition Development Approvals. After review of the application, other pertinent documents and any evidence made part of the record, the recommending and decision-making bodies may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards and regulations contained in this title and in other codes and policies of the village, or those of other regulatory agencies. The zoning officer shall include a copy of the conditions with the record of the decision. The applicant shall be notified in writing of any conditions imposed on the application.
 3. **Planning and Zoning Commission Zoning Board of Appeals and Plan Commission** Action. The **Planning and Zoning Commission-zoning board of appeals** shall render final decision for items that the **Planning and Zoning Commission-zoning board of appeals** is the designated decision-making body pursuant to Table 17.56.160.1. In the event the **Planning and Zoning Commission-plan commission or zoning board of appeals** does not recommend approval of an application, a two-thirds majority vote of the village board shall be required to approve such an application.
 4. Village Board. The village board shall act upon applications pursuant to Table 17.56.160.1.

5. **Scope of Action.** The review body may take any action on an application that is consistent with the notice given, including approval of the application, conditional approval of the application, or denial of the application. The review body may allow amendments to the application if the effect of the amendments is to reduce the density or intensity of the original application, reduce the impact of the development, or reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body may not, in any case, permit a greater amount of development, a more intensive use, a larger land area than indicated in the original application, or a greater variance than was indicated in the notice.

J. Post-Decision Proceedings.

1. **Amendments and Revisions to Approval.**
 - a. Unless otherwise provided for by this title, the zoning officer may approve minor revisions to an approved application. Minor revisions must be authorized in writing by the zoning officer and are subject to appeal to the original final decision-maker. Authorized minor revisions are those that are necessary in light of technical considerations that do not substantively change the character of the development approval.
 - b. If the zoning officer determines that a requested revision is not minor, approval of the revision by the original final decision-maker is required in accordance with the procedures established for the original consideration of the application.

K. Validity.

1. **Time of Expiration.** Unless otherwise provided for in this title, development approvals shall expire and become null and void, all activities taken pursuant to such approved development applications shall cease, and all activities pursuant to such approval thereafter shall be deemed in violation of this title, when:
 - a. The applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the development application, or that was made pursuant to the terms of any approved development agreement, including the failure to abide by specified time limits established therein; or
 - b. The applicant fails to submit a subsequent development application as required by this title within the time so required. If no time limit for the satisfaction of the conditions is specified in the original or revised approval of the development application, the time shall be presumed to be one year from the date of approval.
2. **Extension Procedures.**
3. **Considerations.** Unless otherwise prohibited by Illinois law or this title, an extension of the effective period of the development approval and/or development phasing schedule may be granted by the decision-making body granting the original approval. In deciding a request for an extension, the decision-making body shall consider: whether the applicant has demonstrated sufficient cause as to why the original effective period or development phasing schedule cannot be met; and whether development regulations applicable to the project have not or are not proposed to be materially changed so as to render the project inconsistent with the regulations prevailing at the time the extension would expire.
4. **Requests.** Requests for an extension of the effective period of the development approval or development phasing schedule shall be submitted in writing to the zoning officer prior to the expiration of the original approval. Upon receipt of the request, the zoning officer shall schedule the matter before the decision-making body.

L. Continued Compliance. Once constructed and occupied, all components of a development shall be maintained and/or replaced as necessary for the project to remain in substantial compliance with all approved plans and conditions of approval. Failure to remain in substantial compliance, including the replacement of required plant materials that have died or are diseased, shall constitute a violation of this title.

M. Revocation of Permit or Approval.

1. Duties of Zoning Offices. If the zoning officer determines that there are reasonable grounds for revocation of a development permit or approval, other than those provided in subsection (L) of this section, the zoning officer shall set a hearing before the final decision-maker. If the decision was made by the zoning officer, the hearing shall be conducted by the **Planning and Zoning Commission-zoning board of appeals**. If the village board was the original decision-maker, it may refer the proposed revocation to the **Planning and Zoning Commission-zoning board of appeals** for a recommendation prior to the hearing.
2. Notice and Public Hearing. Notice of the revocation hearing shall be given in the same manner as required for the original application. A public hearing shall be conducted in accordance with the procedures of this section.
3. Decision and Notice. After the conclusion of the hearing, the decision-maker shall render a decision to revoke the permit, to allow the applicant to retain the development permit, or reconsider the permit and shall notify the holder of the permit and any other person who has filed a written request for such notice.
4. Effect and Appeals. Unless otherwise specified at the time of the decision, a decision to revoke a development permit shall become final immediately at the time the decision is rendered. After such effective date of revocation, any activities continuing pursuant to such permit shall be deemed to be in violation of this title.
5. Right Cumulative. The village's right to revoke a development permit, as provided in this section, shall be cumulative to any other remedy allowed by law.
6. Village Initiated Requests. The zoning officer, ~~plan-commission,~~ **Planning and Zoning Commission-zoning board of appeals**, or village board may initiate a request for any development permit on behalf of the village. Such requests shall not be subject to fees but shall otherwise follow the same procedures established in this title.

17.56.180 - Zoning code amendments and rezonings.

- A. Purpose. In order to maintain internal consistency within the text of this title and on the official zoning map, proposed amendments to the text and official zoning map must be consistent with the purposes of this title as contained in Section 17.04.020.
- B. Applicability. All proposed amendments to the text of this title and official zoning map shall comply with the provisions of this section.
- C. Approval Considerations. In determining whether a proposed text or map amendment shall be approved, the following factors shall be considered:
 1. For text amendments, whether the actual text and effect of the amendment is consistent with all other provisions contained in this title;
 2. For text and map amendments, whether the effect of the amendment is consistent with the purposes of this title as contained in Section 17.04.020;

3. For text and map amendments, whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the comprehensive plan, other adopted plans, and other village codes, regulations, policies and guidelines;
 4. For text and map amendments, whether the existing text or zoning designation was in error at the time of adoption;
 5. For map amendments, whether there has been a change of character in the area or throughout the village due to the installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;
 6. For map amendments, whether the proposed zoning district is compatible with the surrounding area and the purposes of the proposed zoning district;
 7. For map amendments, whether there may be: adverse impacts on the capacity or safety of the portion of street network influenced by the subject property; potential parking problems, or; potential environmental impacts such as water, air or noise pollution, excessive nighttime lighting, excessive stormwater runoff, or other nuisances;
 8. For map amendments, whether adequate public facilities and services are available to the subject property or will be made available concurrent with the projected impacts of development of the subject property;
 9. For map amendments, whether there is an existing adequate supply of land available in the subject area and the surrounding community to accommodate needs of the community; and
 10. For map amendments, whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed amendment.
- D. Decision-Maker. The zoning officer and **Planning and Zoning Commission** ~~plan commission~~ shall make recommendations and the village board shall take final action.
1. When the zoning officer, ~~plan-commission~~ **Planning and Zoning Commission**, ~~zoning board of appeals~~ or village board deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the required public hearing notices provided in accordance with Section 17.56.170(E) of this chapter.
 2. In the event of a written protest against a proposed amendment signed and acknowledged by the owners of twenty (20) percent of the frontage proposed official zoning map to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across the alley or rear property line therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be amended as to such zoning district, and filed with the village clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the members of the village board.
- E. Application and Review Procedures. Application requirements and processing procedures are those described in Table 17.56.160.1 and Section 17.56.170 of this chapter with the following modifications:

1. **Application Requirements.** An application for an amendment to the text of this title or official rezoning map shall include a written report that addresses each applicable consideration listed in subsection (C) of this section.
2. **Notice.**
 - a. **Mailed Notice.** A proposed amendment to the official zoning map relating to more than five percent of the entire incorporated area of the village and all proposed text amendments shall not require mailed notice to any property owner. Instead, the zoning officer shall purchase a quarter-page display advertisement in a local newspaper of general circulation in the village. The content and timing of said advertisement shall follow the published notice provisions of Section 17.56.190(E) of this chapter.
3. **Resubmittal of Application.** No application which has been denied wholly or in part by the village board shall be resubmitted for a period of one year from the date of the denial, except on grounds of new evidence or proof of changed conditions found to be valid by the ~~plan—commission~~ **Planning and Zoning Commission.**

17.56.190 - Concept plans.

- A. **Purpose.** The concept plan review is an optional process that may provide an applicant with a general, nonbinding direction from the ~~plan—commission, Planning and Zoning Commission~~ ~~zoning board of appeals~~, or village board prior to submittal of a development application. Although it is the intent of this process to be as helpful as possible to an applicant in designing a proposed project, applicants should not rely on the direction as an indication of any future decision-making by any of the review bodies on any subsequent requests for development permits. The village explicitly disclaims any direction or the outcome of any future decision-making.
- B. **Applicability.** A concept plan review may be requested for any type of non-administrative development application.
- C. **Approval Criteria.** The concept plan shall be evaluated using the criteria required for the type of development. The ability of the review body to apply the criteria may be limited based on the amount of information provided with the application.
- D. **Decision-Maker.** The individual members of the respective review body may provide any and all comments, questions, critiques and direction they deem appropriate to assist the applicant with preparing a subsequent application for a development permit. These comments are strictly advisory and should not be taken as an indication of how the individual members or the review body as a whole may vote on any subsequent application for a development permit. The review body shall not take a formal vote on any portion of the concept plan.
- E. **Application and Review Procedures.** Application requirements and processing procedures are those described in Table 17.56.160.1 and Section 17.56.170 of this chapter with the following modifications:
 1. **Staff Review, Report and Recommendations.** The zoning officer shall not be required to review the plan, circulate the plan to other agencies, produce a report, or make recommendations but may do any or all of these at said officer's discretion

2. Notice. Notice is not required unless requested by the applicant. Requested notice shall be the same as that required for the development permits necessary to allow the proposed type of development;
3. Hearing. A public hearing is not required, but the review body may permit comments from the public;
4. Appeal. Because there is no decision, there is no appeal of any direction given by the review body.

17.56.200 - Planned developments.

A. Intent and Purpose. The purpose of the regulations, standards, and criteria contained in this chapter is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the planned development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the Village of Harwood Heights Comprehensive Plan and planning policies of the village while departing from the strict application of the use and bulk regulations of the zoning title. The planned development is intended to permit and encourage such flexibility and to accomplish the following purposes:

1. To stimulate creative approaches to the commercial, residential and commercial/mixed-use development of land;
2. To provide more efficient use of land;
3. To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations;
4. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities;
5. To unify building and structures through design;
6. To promote long term planning pursuant to the comprehensive plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas; and
7. The development of village-owned buildings and property shall be exempt from the requirements of the zoning code.

B. General Provisions.

1. No non-single-family residential use that is proposed on a lot with an area of twenty-five thousand (25,000) square feet or greater or contains multiple buildings on a single lot (excluding accessory structures) shall be permitted unless approved as a planned development in accordance with the zoning ordinance.
2. Each planned development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned development upon an already existing planned development except to the extent such planned development has been approved as part of a development master plan.

3. The burden of providing evidence and persuasion that any planned development is necessary and desirable shall in every case rest with the applicant.
 4. Buildings and uses or combinations of uses within a planned development shall be limited solely to those approved as part of the ordinance granting a planned development permit provided, however, that any buildings and uses or combinations of uses in compliance with a development master plan approved as part of the ordinance granting a planned development permit may be approved by the village board.
- C. Standards for Review. Modifications in conventional zoning and subdivision regulations are privileges and will be considered by the village only in direct response to the accrual of tangible benefits from the planned development to the village or the neighborhood/area in which it would be located. These benefits shall be in the form of exceptional amenities, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a planned development, the ~~plan commission~~ **Planning and Zoning Commission** and/or the village board, as the case may be, shall be required to make certain findings based on the following standards.
1. Required Findings. No application for a commercial planned development shall be approved unless all of the following findings are made about the proposal:
 - a. Comprehensive Plan and Other Adopted Village Plans. The planned development shall conform with the general planning policies of the village as set forth in the Harwood Heights Comprehensive Plan and other relevant village adopted plans.
 - b. Public Welfare. The planned development shall be so designed, located and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare.
 - c. Impact on Other Property. The planned development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and will be consistent with the goals, objectives, and policies set forth in the comprehensive plan and central corridor master plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.
 - d. Impact on Public Facilities and Resources. The planned development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned development shall include such impact donations as shall be reasonably determined by the village board. These required impact donations shall be calculated in reasonable proportion to impact of the planned development on public facilities and infrastructure.
 - e. Archaeological, Historical or Cultural Impact. The planned development shall not substantially adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel proposed for development.
 - f. Parking and Traffic. The planned development shall have or make adequate provision to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets, provides appropriate cross access to adjacent properties

- and parking areas, and provide adequate access for emergency vehicles.
- g. Adequate Buffering. The planned development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.
 - h. Signage. Any signage on the site of the planned development shall be in conformity with the village's zoning ordinance (sign ordinance), or shall satisfy the standards of review for variations set forth therein.
2. Modification Standards. In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a planned development. These standards shall not be regarded as inflexible, but shall be used as a framework by the village to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.
 3. Integrated Design. A planned development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.
 4. Beneficial Common Open Space. Any common open space in the planned development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:
 - a. Areas reserved for the exclusive use or benefit of an individual tenant or owner;
 - b. Dedicated streets, alleys and other public rights-of-way;
 - c. Vehicular drives, parking, loading and storage area; and
 - d. Irregular or unusable narrow strips of land less than fifteen (15) feet wide.
 5. Functional and Mechanical Features. Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the planned development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
 6. Visual and Acoustical Privacy. The planned development shall provide reasonable visual, and acoustical privacy for each dwelling unit. Fences, insulations, walks, barriers and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.
 7. Energy Efficient Design. A planned development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the planned development and to the extent feasible, the applicant will be encouraged to obtain Leadership in Energy and Environmental Design (LEED) certification for the project.

8. Drives, Parking and Circulation. Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
 9. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.
- D. Site Development Allowances. Notwithstanding any limitations on variations which can be approved as contained elsewhere in the zoning code, site development allowances, i.e., deviations or variations from the underlying zoning provisions set forth outside this chapter, may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of this section and is necessary for proper development of the site.
- E. Procedures. The following steps are provided to assure the orderly review of every planned development application in a timely and equitable manner.
1. Preliminary Board Review.
 - a. Application, purpose, and procedure:
 - i. A prospective applicant, prior to meeting with village staff for a formal pre-filing review, shall appear before the village board for a preliminary review. The applicant shall coordinate with the zoning officer to be placed on a village board agenda and scheduled for the earliest appropriate village board meeting. At a minimum, the applicant shall provide the following materials to the village board for its preliminary review: 1) Preliminary concept plan of the development, and 2) a brief narrative describing the overall character, intensity, uses, and nature of the proposed planned development.
 - ii. The purpose of such review shall be to broadly and informally acquaint the village board with the applicant's proposal and intent for the subject property. The preliminary village board review also provides the applicant with any preliminary views, guidance, or concerns that members of the board regarding the proposed project, at the outset of the process when positions are still flexible and adjustments are still possible. Such a meeting is intended to take place at such a time before the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.
 - iii. At the meeting at which the preliminary review is conducted, any member of the board may make any comments, suggestions or recommendations regarding the preliminary development concept deemed necessary or appropriate by that member;

provided, however, that no final or binding action shall be taken with respect to any preliminary application. Any views expressed in the course of the board's review of any preliminary development concept shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the village board, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.

2. Pre-filing Review and Transmittal of Application.

a. Conference.

- i. A prospective applicant, prior to submitting a formal application for a planned commercial development, shall meet for a pre-filing conference(s) with the zoning officer, the planning and development director and any other village official or employee designated by the zoning officer. The purpose of the conference(s) is to help the applicant understand the comprehensive plan, the zoning title, the site development allowances, the standards by which the application will be evaluated, and the application requirements.
- ii. After reviewing the planned development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed commercial planned development. Such request shall be made in writing prior to the submission of the formal application documents.
- iii. All requests for waiver shall be reviewed within fifteen (15) working days by the village board. A final determination regarding the waiver shall be given to the prospective applicant following the decision.
- iv. If deemed appropriate by the planning and development director, the applicant, prior to submitting a formal application for a planned development, will be required to schedule a meeting to discuss the proposed planned development and its impact on area residents. If such a meeting is required, the applicant shall send a written notice of the meeting via certified mail to all taxpayers of record and residents for all property within five hundred (500) feet of the proposed planned development. Such notice shall be mailed not less than fifteen (15) days prior to the date of the meeting. A copy of the notice and mailing list shall be provided to the planning and development director. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.

3. Filing of Application. Following the completion of the pre-filing conference(s), the applicant shall file an application for a planned development in accordance with this section. The planning and development director shall deliver copies of the application to other appropriate village departments for review and comment.

- a. Deficiencies. The planning and development director shall determine whether the application is complete. If the planning and development director determines that the application is not complete, he/she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.
- b. Report on Compliance. A copy of the complete application and a written report incorporating the comments of village staff and other agencies regarding the compliance of the proposed planned development with the requirements and standards of this section

shall be delivered to the **Planning and Zoning Commission**~~plan-commission~~ prior to the public hearing.

- c. **Determination Not Binding.** Neither the planning and development director's determination that an application is complete nor any comment made by the planning and development director or village staff at a prefiling conference or as part of the review process shall be intended or construed as a formal or informal recommendation for the approval of a planned development permit for the proposed planned development, or component part thereof, nor shall be intended or construed as a binding decision of the village, the **Planning and Zoning Commission**~~plan-commission~~ or any staff member.
4. **Review and Action by the Planning and Zoning Commission**~~plan-commission~~.
Upon receiving the report from the planning and development director, the **Planning and Zoning Commission**~~plan-commission~~ shall hold at least one public hearing on the proposed planned development.
 - a. Notice of the required public hearing shall be published by the village not more than twenty (20) nor less than four days before the scheduled hearing in a newspaper published at least once weekly and having general circulation in the village and shall contain the following information:
 - i. The identification number designation of the application;
 - ii. The date and time of the public hearing;
 - iii. The location of the public hearing; and
 - iv. The general location of the property, the legal description of the property and its street address, if applicable, and a short description of the proposed planned development and purpose of the public hearing.
 - b. Notice of the required public hearing shall also be provided by the applicant by posting a sign or signs on the property no less than fifteen (15) days prior to the public hearing. The sign shall be weatherproof and contain such information as is required in subsection (4)(a) above. Failure to post such sign(s) and/or the removal or knocking down (by the village or others) of the sign after posting but before the public hearing shall not invalidate, impair, or otherwise affect any planned development permit subsequently granted following such public hearing.
 - c. Notice of the required public hearing shall also be provided by the applicant by certified U.S. mail to the taxpayers of record and owners of record of the property which is the subject of the application (if different than the applicant), and the taxpayers of record and residents of all property within five hundred (500) feet of the subject property. Such notice shall contain the information as is required in subsection (4)(a) above and shall be mailed not more than twenty (20) nor less than four days prior to the date of the public hearing. The notice shall also include the name and address of the applicant for the commercial planned development.
 - d. The **Planning and Zoning Commission**~~plan-commission~~ shall review the application, the standards and requirements established by this section, the report of the zoning officer, and any oral and written comments received by the **Planning and Zoning Commission**~~plan-commission~~ before or at the public hearing. Within forty-five (45) days following the close of the public hearing and at a regular meeting, the **Planning and Zoning Commission**~~plan-commission~~ shall make specific written findings addressing each of the standards set forth in this section and transmit such findings, together with a recommendation of approval, approval with conditions, or disapproval to the village

board.

5. Review and Action by the Village Board.

- a. Within sixty (60) days of receipt of the report and recommendation of the **Planning and Zoning Commission**~~plan commission~~, and without further public hearing, the village board shall either (a) deny the application; (b) refer the application back to the **Planning and Zoning Commission**~~plan commission~~ for further review; (c) postpone further consideration pending the submittal of additional information, including any application requirement previously waived; or (d) adopt an ordinance approving the planned development permit.
- b. Any action taken by the village board pursuant to subsection (5)(a) above shall require the concurrence of a majority of all the village board then holding office.
- c. In approving a planned development permit, the village board may attach such conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in this section and to prevent or minimize adverse effects on other property in the immediate vicinity. Such conditions may include, but are not limited to: limitations on size, bulk and location; requirements for landscaping, signage, outdoor lighting, provisions for adequate ingress and egress; hours of operation; and such other conditions as the village board may deem to be in furtherance of the objectives of this section.

F. Application Requirements.

1. An application for a planned development shall only be filed by one who has an ownership interest, or the agents thereof; or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use or combination of uses is to be located.
2. Applications for a planned development shall be filed with the planning and development director in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the village. Every application shall contain, at a minimum, the following information and related data:
 - a. The names and addresses of the owner of the subject property;
 - b. A statement from the owner of the subject property, if not the applicant, approving of the filing of the application by the particular applicant;
 - c. A survey of, and legal description and street address for the subject property;
 - d. A statement indicating compliance of the proposed planned development with the comprehensive plan; and evidence of the proposed project's compliance in specific detail with each of the "Standards for Review" for planned developments;
 - e. A scaled site plan showing the existing contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation and utilities;
 - f. A scaled site plan of the proposed planned development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, number of parking spaces and loading areas;
 - g. Schematic drawings illustrating the design and character of the building elevations, types of construction, and floor plans of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area of all uses or combinations of uses, and the floor area of the entire development;

- h. A landscaping plan showing the location, size, character and composition of vegetation and other material;
 - i. The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures;
 - j. A schedule of development showing the approximate date for beginning and completion of each stage of construction of the planned development;
 - k. A professional traffic study acceptable to the village showing the proposed traffic circulation pattern within and in the vicinity of the area of the planned development, including the location and description of public improvements to be installed, and any streets and access easements;
 - l. A professional economic analysis acceptable to the village, including the following:
 - i. The financial capability of the applicant to complete the proposed planned development;
 - ii. Evidence of the project's economic viability; and
 - iii. An analysis summarizing the economic impact the proposed planned development will have upon the village.
 - m. Copies of all environmental impact studies as required by law;
 - n. An analysis setting forth the anticipated demand on all village services;
 - o. A plan showing off-site utility improvements required to service the planned development, and a report showing the cost allocations and funding sources for those improvements;
 - p. A site drainage plan for the planned developed;
 - q. A photometric/lighting plan for the planned development; and
 - r. A written summary of residents' comments, pertaining to the proposed application, from any meeting held pursuant to subsection (E)(1)(a)(4) above.
 - 3. Every application must be accompanied by a fee in such amount as established from time to time by the village board to defray the costs of providing notice and contracting with independent professionals to review applications as required. Such professional costs may include but are not limited to engineering, legal fees, traffic analyses, environmental impact studies, land use design or other similarly related professional studies. Additional materials may be required during the review of a proposed planned development if determined necessary by the **Planning and Zoning Commission-plan commission** or the village board.
- G. Escrow Deposit. At the determination of the planning and development director, the applicant may be required to deposit an escrow with the village and execute a reimbursement of fees agreement before any consideration by the village on any matter related to the planned development permit.
- H. Effect of Approval or Denial. Approval of the planned development permit by the village board authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other permits which the village may require for the proposed planned development. The village's planning and development director shall review applications for these permits for compliance with the terms of the planned development permit granted by the village board. No permit shall be issued for development which does not comply with the terms of the planned development permit.

1. The village board shall direct the zoning officer to revise the official zoning map to reflect the existence and boundaries of each planned development.
2. Subject to subsection (7) below, an approval of a planned development permit by the village board shall be null and void if the recipient does not file an application for a building permit relative to the proposed planned development within twelve (12) months after the date of adoption of the ordinance approving the planned development permit.
3. Subject to subsection (7) below, an approval of a planned development permit by the village board shall be null and void if construction has not commenced within twenty-four (24) months, and is not completed within thirty (30) months after the date of adoption of the ordinance approving the planned development permit.
4. Subject to subsection (7) below, an approval of a planned development permit with a phasing plan shall be null and void if construction has not commenced or is not completed in accordance with the terms of that phasing plan.
5. An approval of a planned development permit with a master development plan shall be null and void if construction has not commenced or is not completed in accordance with the terms and conditions contained in the development master plan.
6. An extension of the time requirements stated in subsections (3), (4), and (5) of this section may be granted by the village board for good cause shown by the applicant, provided a written request is filed with the village at least four weeks prior to the respective deadline.
7. A planned development permit shall be null and void if the use or combination of uses for which the approval was granted ceases for a consecutive period of one year.
8. No application for a planned development which was previously denied by the village board shall be considered by the ~~plan-commission~~ **Planning and Zoning Commission** or the village board if it is resubmitted in substantially the same form and/or content within one year of the date of such prior denial. In this regard:
 - a. The planning and development director shall review the application for a planned development and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the village board to appeal the determination of the planning and development director that the application is substantially the same, provided a petition for appeal is filed in writing with the zoning officer within ten (10) days of the planning and development director's determination.
 - b. The village board shall affirm or reverse the determination of the planning and development director, regarding whether the new application is in substantially the same form, within thirty (30) days of receipt of a petition for appeal.
 - c. If it is determined that the new application is not substantially in the same form, then the applicant shall be entitled to continue with the application process and have it reviewed in accordance with the provisions of the zoning code.
- I. Amendments and Alterations to Approved Commercial Planned Development Permits.
 1. Except as provided in subsection (2) below, any modifications to an approved planned development permit or any addition to or expansion of an existing commercial planned

development permit shall require separate review and approval under the provisions of the zoning code.

2. A minor change is any change in the site plan or design details of an approved planned development permit which is consistent with the standards and conditions applying to the planned development permit and which does not alter the concept or intent of the planned development. A minor change shall not increase the planned development's density, increase the height of buildings, reduce open space, modify the proportion of housing types, change or add new parking areas, alter alignment of roads, utilities or drainage, amend final development agreements, provisions or covenants, or provide any other change inconsistent with any standard or condition imposed by the village board in approving the planned development permit. Said minor change shall be approved by the zoning officer without obtaining separate approval by the village board. In addition, the village board may, after reviewing the request for a minor change made by the applicant, direct the zoning officer to process the request other than as a minor change.

17.56.210 - Special use permits.

- A. Purpose. The purpose of a special use permit review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same zoning district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.
- B. Applicability. A special use permit shall be required prior to the establishment of any special use identified elsewhere in this title.
- C. Approval Criteria. The applicant shall demonstrate, and the village board shall find, that the special use application complies with all of the following:
 1. Comprehensive Plan. The goals, objectives, policies, recommendations and future land uses contained in the adopted comprehensive plan.
 2. District Standards. The underlying zoning district standards including the intents and purposes of the district.
 3. Specific Standards. All use specific standards as indicated in the zoning district or elsewhere in the village code.
 4. Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project are available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
 5. Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:
 - a. Protection of Privacy. The proposed plan provides reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation are arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;
 - b. Protection of Use and Enjoyment. All elements of the proposed plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining

- property; and
- c. **Compatible Design and Integration.** All elements of the plan co-exist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: building location and scale, building materials, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.
- 6. **Parking, Circulation and Access.** Safe and efficient design of parking, circulation and access points including:
 - a. **Parking and Circulation.** Parking, loading and vehicular and pedestrian circulation areas are designed to provide safe and efficient movement on-site and to minimize any negative impacts on adjoining streets and properties;
 - b. **Access to Public Ways.** Safe and convenient pedestrian, bicycle and vehicular access to public rights-of-way and/or other areas dedicated to common use are provided. The location, size and number of access drives and walkways to a site are arranged to minimize any negative impacts on adjoining streets and properties. Off-site and on-site improvements are provided where they will significantly improve safety for vehicles, bicycles and pedestrians; and
 - c. **Emergency Access.** Structures and other site features are arranged to permit access by emergency vehicles to all buildings.
- 7. **Adequate Public Facilities and Service.** Adequate public facilities and services are available concurrent with the projected impacts of the development.
- D. **Decision-Maker.** The zoning officer and **Planning and Zoning Commission**~~—plan commission~~ shall make recommendations and the village board shall approve, conditionally approve, or deny all applications for a special use permit.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 17.56.160.1 and Section 17.56.170 of this chapter, with the following modification:
 - 1. **Validity.** Once established, a special use permit approval shall run with the land and remain valid until the property changes use or the use is abandoned and non-operational for a period of twelve (12) consecutive months.

17.56.220 - Variances.

- A. **Purpose.** A variance is a departure from the dimensional or numerical requirements of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. Variances are permitted only to those portions of this title as specified herein.
- B. **Applicability.** In accordance with this section, the zoning board of appeals shall hear and recommend to the village board all requests for variances for the following:
 - 1. All zoning district bulk standards;
 - 2. All numerical and dimensional requirements of the off-street parking and loading provisions contained in Chapter 17.28;

3. All numerical and dimensional, type, locational, and illumination requirements of the sign provisions contained in Chapter 17.36;
 4. All numerical, dimensional and type/material requirements of the fence provisions contained in Chapter 17.36; and
 5. All numerical, dimensional, type, and locational requirements of the antenna structure provisions contained in Chapter 17.44.
- C. Certain Variances Prohibited. Under no circumstances shall variances be heard or granted for the following:
1. The establishment of a use in a zoning district in which such use is not permitted by this title;
 2. Residential development which would result in an increase in density greater than that permitted in the applicable zoning district;
 3. Changes of modifications to any rules or definitions contained in Section 17.04.050 of this code or elsewhere in this title; and
 4. All requirements related to the enlargement, repair, alteration, restoration, discontinuance, re-establishment, or change of use provisions for nonconforming building, structure or use as contained in Chapter 17.56.
- D. Approval Criteria. A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this title will result in practical difficulties or undue hardships because of site characteristics that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant demonstrates, and the village board finds, that the application complies with all of the following:
1. Hardship Unique to Property, not Self-Inflicted. There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
 2. Special Privilege. The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
 3. Literal Interpretation. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
 4. Reasonable Use. The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
 5. Minimum Necessary. The variance is the minimum necessary to make possible the reasonable use of land or structures;
 6. Compatible with Adjacent Properties. The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare;

7. Conformance with the Purposes of this Title. The granting of a variance will not conflict with the purposes and intents expressed or implied in this title; and
 8. Conformance with the Comprehensive Plan. The granting of a variance will not conflict with the goals and principles in the adopted comprehensive plan.
- E. Decision-Maker. The zoning officer and **Planning and Zoning Commission** ~~zoning board of appeals~~ shall make recommendations and the village board shall approve, approve with conditions, or deny requests for variances.
 - F. Application and Review Procedures. Application requirements and processing procedures are described in Table 17.56.160.1 and Section 17.56.170 of this chapter.

17.56.230 - Appeals.

- A. Purpose. The purpose of this section is to provide for appeals of orders, decisions and interpretations by the zoning officer or other village official having jurisdiction under this title.
- B. Appeal of Administrative Interpretations. Any party aggrieved or claimed to be aggrieved by an interpretation of this title rendered by the zoning officer or other village official may request an appeal of the interpretation in accordance with this subsection.
- C. Approval Criteria. In granting an appeal from an administrative interpretation, the **Planning and Zoning Commission** ~~zoning board of appeals~~ shall find that the interpretation by the zoning officer or other village official was in not accordance with the purposes, intent and requirements of this title.
- D. Decision-Maker. The **Planning and Zoning Commission** ~~zoning board of appeals~~ shall affirm, reverse, or remand the interpretation. In reversing or remanding the interpretation back to the zoning officer or other village official, the **Planning and Zoning Commission** ~~zoning board of appeals~~ shall state the rationale for their decision.
- E. Application and Review Procedures. Application requirements and processing procedures are described in Table 17.56.160.1 and Section 17.56.170 of this chapter, with the following deviations:
 1. Application Materials. The appellant shall provide a written statement citing the specific provision(s) of this title the appellant believes the zoning officer or other village official has incorrectly interpreted and the appellant's own interpretation of the provision(s);
 2. Notice. Notice of the hearing is not required to anyone other than the appellant;
 3. Zoning Officer's Report. The zoning officer or applicable village official shall prepare a report detailing the specific provision(s) of this title that are in question, his or her interpretation of the provision(s), and the general basis of the interpretation.
- F. Appeal of Orders or Decisions on Administrative Development Permits. Any party aggrieved or claimed to be aggrieved by any order or decision on any administrative development permit by the zoning officer or other village official having jurisdiction under this title may request an appeal from the action by the **Planning and Zoning Commission** ~~zoning board of appeals~~ in accordance with this section.

- G. Approval Criteria. In granting an appeal to an order or decision on an administrative development permit, the applicant shall demonstrate, and the **Planning and Zoning Commission zoning board of appeals** shall find, that the zoning officer or other village official:
1. Has acted in a manner inconsistent with the provisions of this title or other applicable local, state or federal law;
 2. Has made clearly erroneous findings of fact based on the evidence and testimony on the record;
 3. Has failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
 4. Has acted arbitrarily, capriciously and/or abused his or her discretion.
- H. Decision-Maker. The **Planning and Zoning Commission zoning board of appeals** shall affirm, reverse or remand the decision. In reversing or remanding the decision back to the zoning officer or other village official, the **Planning and Zoning Commission zoning board of appeals** shall state the rationale for its decision. A two-thirds vote of the entire membership of the **Planning and Zoning Commission zoning board of appeals** shall be required to reverse the action of the zoning officer or other village official.
- I. Application and Review Procedures. Application requirements and processing procedures are described in Table 17.56.160.1 and Section 17.56.170 of this chapter with the following modifications:
1. Application Materials. The appellant shall provide a written request that explains the rationale for the appeal based on the criteria provided in subsection (C)(1) of this section.
 2. Notice to Applicant. If the appellant is not the applicant, the zoning officer shall notify the applicant of the request and the applicant shall provide a written response.
 3. Preparation of the Record. The zoning officer shall compile all materials made a part of the record of the zoning officer's or other village official's action. As may be requested by the appellate body, the zoning officer also may provide a summary report of the record.
 4. Public Notice. Only published notice of the appeal hearing is required.
 5. Conduct of Hearing. The **Planning and Zoning Commission zoning board of appeals** may hold a full evidentiary hearing to make a finding regarding the zoning officer's or other village official's action in accordance with the criteria provided in subsection (C)(1) of this section. However, the **Planning and Zoning Commission zoning board of appeals** also may limit testimony and evidence to that contained on the record at the time the zoning officer or other village official took final action, or place any other limits on additional testimony and evidence it deems appropriate.

17.56.240 - Payment for costs.

- A. Payment for Costs. All applicants for an amendment to the text of this title or official zoning map, special use permit, variance, occupancy or building permit, planned unit development, or appeal filed pursuant to Title 16 of the village code, or a subdivision

pursuant to this code, shall pay the village's consulting and processing costs and expenses in order to process the application. Such consulting and processing costs shall include, but not be limited to, professional and technical consultant services, including village staff time, court reporting services, and legal review, consultation and advice.

- B. **Agreement.** An applicant shall execute an agreement with the village that may require the applicant to deposit and/or escrow funds with the village as security for the applicant's payment of the village's costs, fees and expenses pursuant to this section and other such terms as the village may require.
- C. **Invoices.** The village shall invoice the applicant for the village's consultant's costs and expenses. The applicant shall not be invoiced more than once a month. The village shall notify an applicant when the costs incurred in processing an application surpasses any amount required to be deposited or escrowed pursuant to subsection (B) of this section, by the applicant. The village shall thereafter require the applicant to deposit or escrow such additional amount as determined by the village to reimburse the village for its anticipated future consultant costs.
- D. **Rates.** Payment to all consultants retained by the village in any capacity connected with the application shall be based on the fixed hourly rate contained in contracts formally authorized by the village board.
- E. **Applicant's Payments to Village.** At no time shall there be any transfer of funds from any applicant directly to any consultant or village staff personnel. All payments to consultants shall be executed only under the conditions specified in this section, and the applicant shall be invoiced directly and solely by the village.
- F. **Liability for Cost, Fees and Expenses.** The owner of the property that is the subject of an application and the applicant, if different, shall be jointly and severally liable for the payment of any costs, fees and expenses required by this section. By signing an application, the owner shall be deemed to have agreed to pay such costs, fees and expenses and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such costs, fees and expenses, plus the costs of collection, in the event such costs, fees and expenses have not been properly paid as required. Any lien filed pursuant to this subsection may be foreclosed in the manner provided by statute for mortgages or mechanics' liens.
- G. **Condition of All Applications, Approvals, and Permits; Time Periods.** No application as defined in this section shall be considered complete unless and until all costs, fees and expenses due pursuant to this section are paid. Every approval granted and every permit issued pursuant to the village code, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the costs, fees and expenses required by this section.
- H. **Nonpayment of Costs, Fees and Expenses.** The failure to fully pay any such cost, fee and expense when due shall be grounds for refusing to process an application as defined in this section and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee relates. When the village code provides that the passage of time without decision or action shall be deemed an approval or a

recommendation for approval, all time periods shall be tolled during any period of nonpayment, but shall otherwise continue to run.

- I. Waiver for Specified Public Bodies. The provisions of this section may be waived by the village board for fees applicable to any application filed by any public body, or any agency deriving the majority of its revenues from taxes levied within the village, or any charitable organization.
- J. Applicable Fees. Initial application fees as described in this chapter shall be established by the village board, and may be amended at any time.

17.56.250 - Violation—Penalty.

- A. Any person, firm, or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this title shall upon conviction be fined not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8. RESOLUTION OF CONFLICTS.

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

SECTION 9. 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 10. 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

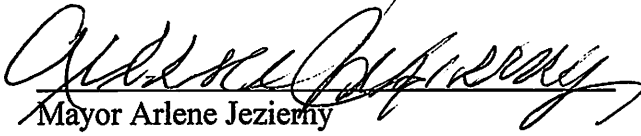
AYES:

NAYS:

ABSENT:

ABSTAIN:

Passed and Approved this 13th day of August, 2020.


Mayor Arlene Jezierny

ATTEST:

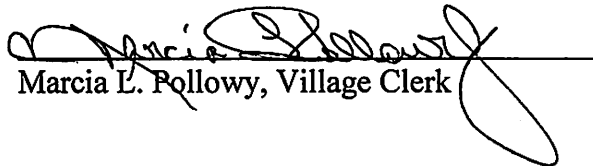

Marcia L. Followy, Village Clerk

EXHIBIT A

**VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS
PLAN COMMISSION**

In Re the Matter of:)	
Proposed Zoning Code Text Amendments)	No. 20-01(B)
Establishing Planning and Zoning Commission)	
To Replace Plan Commission and Zoning Board)	
Of Appeals)	

REPORT OF FINDINGS OF FACT AND RECOMMENDATION
TO THE VILLAGE BOARD OF TRUSTEES
TO APPROVE ZONING TEXT AMENDMENTS

[see attached pages]

**VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS
PLAN COMMISSION**

In Re the Matter of:)	
Proposed Zoning Code Text Amendments)	No. 20-01(B)
Eliminating Plan Commission and ZBA and)	
Replacing with New Planning and Zoning)	
Commission)	

REPORT OF FINDINGS OF FACT AND RECOMMENDATION
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I. BACKGROUND

The Village-initiated Zoning Code text amendments under consideration at Hearing 20-01(B) would amend the Village's Zoning Code to eliminate both the Plan Commission and Zoning Board of Appeals and replace those advisory bodies with a newly created single, unified body called the Planning and Zoning Commission ("PZC") that combines the functions and powers of the two existing zoning advisory bodies. The new PZC would consolidate and replace the Plan Commission and Zoning Board of Appeals, resulting in a single, eleven member body that would perform all of the functions formerly handled by the two separate seven-member bodies. The proposed changes were prompted by a desire to increase efficiency and effectiveness in the zoning relief process through consolidation, to promote expertise and eliminate duplicative efforts within the zoning and development process. The

II. PROPOSED ZONING TEXT AMENDMENTS

The proposed text amendments address the composition, compensation, attendance requirements, vacancies, jurisdiction and powers of the new PZC, as well as replacing all references throughout the entire Village Code to the Plan Commission or Zoning Board of Appeals with references to the newly-established PC that would inherit the jurisdiction and zoning advisory role of its predecessor bodies. The substantive changes are embedded in a proposed new Section 2.54 of the Zoning Code which would, if adopted, establish the purpose, composition, appointment, term length, compensation, attendance requirements, vacancies, jurisdiction and powers of the new PZC.

As before, commissioners would be appointed by the Mayor to one-year terms, with the initial appointment expiring on April 30, 2021. One appointee would be designated by the Mayor as chairperson at the time of appointment, while a second member would be appointed as vice-chair and a third appointee would be the designated PZC secretary. Most of the procedures and functions of the new PZC would mirror existing practices of the two advisory bodies it would replace. Without limitation, some of the more significant proposed differences from current practice set forth in the proposed text amendments include the following:

+ Vacancies in office may be declared if a PZC commissioner misses three or more *consecutive* PZC meetings/hearings or four meetings/hearings at any time throughout a single-year term, unless the commissioner notifies and makes advance arrangements with the Mayor of an absence for good cause (illness, family emergency, military commitment, jury duty, child birth, pandemic, religious festivity or event, or other reason covered by the Family and Medical Leave Act).

+ Commissioners are paid per-meeting and only for those meetings they actually attend.

+ As an 11-member body, a minimum of six (6) Commissioners (quorum) must attend a meeting/hearing.

+ At least six (6) members must concur on a vote to favorably recommend a request for relief. (If only 7 members attend a hearing and five of them vote in favor of a proposal with only two voting against, the proposal fails because it did not garner the threshold six-vote support. Fewer than six supporting votes - *even if a majority of those voting* – will not be enough to favorably recommend approval of a particular request for relief.)

III. PROCEDURES

A. JURISDICTION

The Plan Commission has jurisdiction pursuant to Section 17.56.020(A)(1) of the Village Code to hear zoning text amendment petitions and to make recommendations thereon to the Village Board, and the Village Board has final authority to approve, deny or conditionally approve the Zoning Code text amendments pursuant to Sections 17.56.010(A)(1) of the Village Code

B. NOTICE

Notice of the public hearing was properly provided by the Village publishing notice in the Pioneer Press' *Norridge-Harwood Heights News* between 15 and 30 days prior to the July 22, 2020 Plan Commission hearing.

C. PUBLIC HEARING

Prior to hosting the public hearing, the Plan Commission reviewed a memorandum from the Village attorney setting forth the procedures and criteria governing the adoption of text amendments to the Village Zoning Code.

After reviewing the proposed text amendment ordinance and attorney comments, the Harwood Heights Plan Commission conducted a properly noticed public hearing on July 22, 2020 to consider the proposed zoning code text amendments (the "Hearing"). At the Hearing, the Plan Commission deliberated on the merits of the proposed text amendments. The Village's Zoning Board of Appeals membership attended the Hearing in their capacities as members of the public. No other members of the public attended the Hearing. Commissioner Ray Leszczyski

was absent.

D. CRITERIA

The Village is authorized by Section 17.56.010(A)(1) of the Village Code to amend its zoning ordinance as well as 65 ILCS 5/11-13-14. Although the statutory authorization to amend the Zoning Code does not provide substantive standards to guide how to validly do so, Section 17.56.180(C) of the Village Code provides the relevant factors to consider in the context of zoning text amendments.

First, pursuant to Section 17.56.180(A), the proposed text amendments must be consistent with the purposes of the Village's Zoning Code set out in Section 17.04.020. The proposed zoning code amendments should either help accomplish these purposes or at least not interfere with their accomplishment, as follows:

1. Promoting the public health, safety, comfort, morals, convenience, and general welfare;
2. Securing adequate natural light, pure air, and safety from fire and other dangers;
3. Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
4. Lessening or avoiding congestion in the public streets and highways;
5. Conserving the value of land and buildings throughout the village; and
6. Preserving and enhancing aesthetic values throughout the village.

Next, Section 17.56.180(c) establishes factors that the Plan Commission and Village Board must consider in weighing a particular proposed text amendment, including, as is relevant to the text amendments presently under consideration:

+ Whether the actual text and effect of the amendment is consistent with all other provisions contained in this title;

+ Whether the effect of the amendment is consistent with the purposes of this title as contained in [Section 17.04.020](#);

+ Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the comprehensive plan, other adopted plans, and other village codes, regulations, policies and guidelines; and

+ Whether the existing text or zoning designation was in error at the time of adoption.

In addition to the Village's locally-imposed criteria and standards, courts have established additional rules to ensure that zoning amendments are reasonable and undertaken

with appropriate care. Illinois courts have ruled that the same care must go into rezoning as went into the original zoning, and that the same evaluative criteria apply. Therefore, in addition to all of these earlier factors, the Village should also consider the so-called “*LaSalle* [and *Sinclair Pipe*] factors,” as follows:

- the existing uses and zoning of nearby property;
- the extent to which property values are diminished by the particular zoning restrictions;
- the extent to which the destruction of property values of plaintiff promotes the health, safety, morals, and general welfare of the public;
- the relative gain to the public as compared to the hardship imposed upon the individual property owner;
- the suitability of the subject property for the zoned purposes;
- the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property;
- the community need for the proposed use; and
- the care with which the community has undertaken to plan its land use development

Above all, zoning text amendments must be reasonable and not arbitrary and must be guided by the demands of the public good. The Plan Commission’s recommendation as to whether the application fulfills the text amendment approval criteria listed above is based upon testimony presented at the public hearing and the Plan Commission’s determination as to the consistency of the proposed text amendments with the Comprehensive Plan and the impact of the text amendments on the community as a whole.

IV. FINDINGS OF FACT & LEGAL CONCLUSIONS

After reviewing all application materials, hearing testimony, receiving evidence, and listening to public comment at the Hearing conducted on July 22, 2020, the Harwood Heights Plan Commission finds as follows:

1. The foregoing recitals shall be and are hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.
2. All testimony and evidence presented at Public Hearing 20-01 are made a part of the official record of proceedings and are hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.
3. The Plan Commission finds and concludes that the Hearing was properly noticed.
4. The Village's current Zoning Code was adopted in 1988 and certain provisions have been amended in the interim as the need has arisen, including a comprehensive Zoning Code amendment adopted by the Village in 2011.
5. The Village of Harwood Heights does not have a sufficient number of zoning relief requests to justify the continued practice of splitting the jurisdiction over the various types of zoning relief between two distinct advisory bodies.
6. In practice, the Zoning Board of Appeals ("ZBA") conducted hearings to consider variances. In recent years, the ZBA generally conducted fewer than three hearings per year.
7. The workload of the Plan Commission and the ZBA could be efficiently and ably handled by a single, combined zoning advisory body responsible for the cumulative tasks of the two bodies it would replace.
8. The proposed amendments would enhance efficiency and streamline zoning relief procedures in a manner that would simultaneously promote development and offer the public a continued opportunity to engage with the zoning relief process.
9. The Plan Commission finds that the proposed text amendments would have the laudable effect of encouraging attendance and active engagement by appointed PZC members.
10. The six-vote minimum threshold for recommending approval of a particular proposal would help to ensure that any favorably reviewed proposal is supported by a majority of the entire PZC.
11. The Plan Commission expressed concerns and questions about the possibility of a tie vote by the PZC concerning a matter before it, but found on balance that such a possibility is no greater with an eleven-member body than the existing seven-member bodies. Moreover, the minimum six-vote threshold required to favorably recommend a request for zoning relief necessarily means that no tie vote would be able to satisfy the requisite six-vote minimum and

simply result in a request for relief receiving a negative recommendation. The requirement of a favorable vote by a majority of the body is reflective of the similar requirement for the ZBA set out in the current Section 17.56.030(C) of the Zoning Code. On balance, the Plan Commission concluded that tie votes are no more or no less likely to occur than with the existing bodies also comprised of odd-numbered members.

12. The built-in attendance incentives for PZC members in terms of compensation and vacancy rules in the proposed text amendments may reduce the frequency of commissioner absences and promote more frequent votes comprised of the entire (odd-numbered) membership, which in turn might actually decrease the likelihood or frequency of tie votes.

13. The proposed amendments further the public health, safety, comfort, morals, convenience and general welfare by increasing efficiency and conserving public resources.

14. There are no adverse impacts of the proposed text amendments on any particular property owner, while the amendments would confer the efficiency benefits and encourage enhanced expertise because commissioners would engage in hearings and receive public feedback on a variety of development and use issues in a manner consistent with the Comprehensive Plan's goal of enhancing connections throughout the small community.

15. The proposed text amendments and the effects thereof are consistent with the overall Zoning Code, insofar as no proposed amendment directly conflicts with or otherwise hinders the implementation or enforcement of other standards currently embedded in the Zoning Code that are not subject to amendment.

16. The proposed text amendments to the Zoning Code are responsive to, in conformance with, and further the goals and policies articulated by the Village's Comprehensive Plan, such as integrating a variety of seemingly disconnected, discrete zoning relief decisions into a comprehensive whole handled by a single advisory body that benefits from exposure to the variety of land use and development decisions that shape the community's growth patterns.

17. The proposed text amendments considered by the Plan Commission are not designed to correct errors in the existing Zoning Code, but rather respond to the utility of having a single body perform the role of two distinct bodies that were generally not busy.

18. The Plan Commission finds that the proposed text amendments are reasonable and not arbitrary and are guided by the demands of the public good insofar as administrative resources are conserved by and leadership roles best fulfilled within a single body.

19. Based on the foregoing, the Plan Commission finds that the proposed new definitions should be approved.

V. RECOMMENDATION

NOW THEREFORE, following a public hearing hosted by the Village of Harwood Heights Plan Commission, held on July 22, 2020 (Hearing No. 2020-01(B)), the Plan

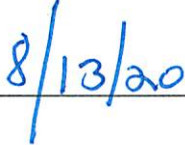
Commission hereby recommends by a 4 – 1 vote (Commissioner Leszczynski absent) that the Village Board approve each and every of the proposed zoning text amendments as presented at the Hearing, for the reasons more fully set forth in the foregoing Findings of Fact and Recommendation to the Village Board of Trustees.

By:



Chris White, Plan Commission Chair

Date:



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 20-18 entitled:

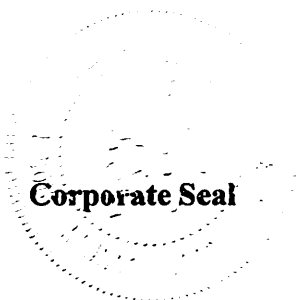
AN ORDINANCE AMENDING TITLE 17 OF THE VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES ELIMINATING THE VILLAGE PLAN COMMISSION AND ZONING BOARD OF APPEALS AND REPLACING THEM WITH A NEWLY ESTABLISHED COMBINED "PLANNING AND ZONING COMMISSION"

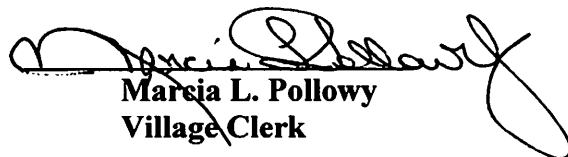
Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 13th day of August, 2020.

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 14th day of August, 2020.




Marcia L. Pollowy
Village Clerk

