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

ORDINANCE NO. 21 - 02

**AN ORDINANCE AMENDING TITLE 17 OF THE VILLAGE OF HARWOOD
HEIGHTS CODE OF ORDINANCES TO EXCLUDE MASSAGE
PARLOR/ESTABLISHMENT FROM ADULT USE DEFINITION AND DESIGNATING
MASSAGE PARLOR/ESTABLISHMENT AS SPECIALLY PERMITTED USE IN THE
VILLAGE'S B-1 AND B-2 COMMERCIAL ZONING DISTRICTS**

Ordinance Did Not Pass by the Board of Trustees, January 14, 2021

Printed and Published January 14, 2021 in Pamphlet Form
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

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MARCIA L. POLLIFY, VILLAGE CLERK

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Village Clerk

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

ORDINANCE NO. 21-02

**AN ORDINANCE AMENDING TITLE 17 OF THE VILLAGE OF HARWOOD
HEIGHTS CODE OF ORDINANCES TO EXCLUDE MASSAGE
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VILLAGE'S B-1 AND B-2 COMMERCIAL ZONING DISTRICTS**

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 “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 address the changing needs of the Village community;

WHEREAS, the Village received an application for a zoning text amendment from Zitella Properties LLC (“Applicant”) to (i) amend the definition of “adult use” as set forth in Section 17.48.030 of the Village Code to exclude references to “massage parlor/establishment,” to (ii) make a “massage parlor/establishment” a permitted use in the Village’s B-1 and B-2 commercial zoning districts, and (iii) for such other and further zoning relief as may be required. The proposed amendments are in furtherance of a prospective tenant opening and operating a day spa featuring massage services at certain property owned by Zitella Properties LLC at 7354 W. Lawrence Avenue, Harwood Heights (“Property”).

WHEREAS, the Zoning Code currently defines “massage parlors/establishments” to be “adult uses” which are permitted uses only within the M2 manufacturing district, but alternatively designates certain adult uses, including adult bookstores, adult entertainment cabarets and adult motion picture theaters to be specially permitted uses in the M2 manufacturing district;

WHEREAS, the Planning and Zoning Commission conducted a duly-noticed public hearing concerning Applicant’s proposed text amendments to the Zoning Code at Village Hall on October 28, 2020;

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

WHEREAS, a public notice in the form required by law was published in the *Norridge-Harwood Heights Pioneer Press* on November 12, 2020, not more than thirty (30) days nor less than fifteen (15) days prior to the Planning and Zoning Commission public hearing date;

WHEREAS, the Planning and Zoning 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 Planning and Zoning 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 “Planning and Zoning Commission Report”), and the Village Board has had an opportunity to review and consider the Planning and Zoning Commission Report, together with the transcript of the Planning and Zoning 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 comprehensive Zoning Code text amendment itself; and

WHEREAS, the Village Board concurs with the factual findings and legal conclusions rendered by the Planning and Zoning 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. AMENDMENT TO TITLE 17, CHAPTER 17.48, SECTION 17.48.030. Title 17 ("Zoning Ordinance"), Chapter 17.48 ("Adult Uses"), Section 17.48.030 ("Definitions") 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 17.48 Adult Uses.

...

Section 17.48.030 Definitions.

As used in this chapter:

...

"Massage parlor/establishment" means:

- A. Any establishment having a source of income or compensation derived from the practice of massage as defined below, and which has a fixed place of business where any person, firm, association, or corporation engages in, or carries on, **or permits to be engaged in or carried on** any of the activities, described **in the definition of the term "massage"** below;
- B. The term "massage," as used herein, is defined as **a system of structured palpation or movement of the soft tissues of the body. The system may include but is not limited to techniques involving** any method of pressure on or friction against, **effleurage** or stroking, **gliding, petrissage or** kneading, **tapotement or percussion**, rubbing, tapping,

pounding, vibrating, **compression, stretching** or stimulating of the external soft parts of the body with the hands. **These techniques may be administered by a licensed massage therapist with or without the aid of any mechanical, electrical or other apparatus or appliance or a massage device that mimics the use of human hands,** with or without rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, **ointments, salt or herbal preparations, hydromassage, thermal massage** or other similar preparations commonly used in ~~this practice~~ **the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give other consideration or any gratuity therefore.**

SECTION 3. AMENDMENT TO TITLE 17, CHAPTER 17.48, SECTION

17.48.030. Title 17 ("Zoning Ordinance"), Chapter 17.48 ("Adult Uses"), Section 17.48.030 ("Definitions") 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 17.48 Adult Uses.

...

Section 17.48.030 Definitions.

As used in this chapter:

...

"Adult use" means use by a patron of the minimum age of twenty-one (21) years, and shall include adult book stores, adult motion picture theaters, adult entertainment, cabarets, tattoo parlors/establishments ~~and massage parlors/establishments~~.

SECTION 4. AMENDMENT TO TITLE 17, CHAPTER 17.16, SECTION

17.16.030. Title 17 ("Zoning Ordinance"), Chapter 17.16 ("Business Districts"), Section 17.16.030 ("Business Districts Permitted and Special Uses") 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 17.16 Business Districts.

...

Section 17.16.030 Business Districts Permitted and Special Uses.

Table 17.16.030.1: Business districts permitted and special uses lists permitted and special uses for the business districts. A "P" indicates that a use is considered permitted within a given district. An "S" indicates that a use is considered a special use within a given district and a special use permit must be obtained as required in Section 17.56.210 (Special use permits). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within a given district.

TABLE 17.16.030.1—BUSINESS DISTRICTS PERMITTED AND SPECIAL USES		
	Zoning District	
Use ^{1,2} (P = Permitted; S = Special Use)	B1	B2
Antique shops		P
Art galleries		P
Art and school supply stores	P	P
Automobile accessory stores		P
Automobile sales establishments		S
Automotive service stations	S	
Bakeries	P	P
Banks and/or savings and loan institutions	S	S
Barber shops and beauty parlors	P	P
Book and stationery stores	P	P
Bowling alleys		S
Business or commercial schools or colleges	S	S
Business machine, sales and service		P
Camera/photographic supply stores	P	P
Candy and ice cream stores	P	P

Carpet and rug stores	P	P
Catalog sales offices	P	P
Catering establishments, when located on the ground floor	P	P
Catering establishments, when located above the ground floor		S
China/glassware stores	P	P
Churches, temples, and synagogues		S
Civic Health Care Facilities	S	S
Clinic, Medical or Dental	S	S
Clothes pressing establishments	P	P
Clothing stores	P	P
Clubs or lodges: private, fraternal, religious or charitable, when located on the ground floor	S	S
Clubs or lodges, private, fraternal, or religious, when located above the ground floor		S
Coin and philatelic stores		P
Cocktail lounges		P
Convents, monasteries, rectories, or parsonages, as accessory to religious institutions		S
Currency exchanges	S	S
Department stores		P
Drive-Through Facility	S	S
Drug stores	P	P
Dry cleaning and laundry receiving stations	P	P
Dry goods stores		P
Electrical appliance repair shops	P	P
Employment agencies and offices	S	
Financial institutions	S	S
Flower shops	P	P
Food stores, meat and fish markets, and delicatessens	P	P
Fraternal, philanthropic, and charitable institutions, when located above the ground floor		P
Furniture stores		P
Furrier shops including the incidental storage and conditioning of furs		P
Garden supply stores	P	P
Gift shops	P	P
Grocery stores or supermarkets	P	P
Haberdashery stores	P	P
Hardware stores	P	P
Hobby shops, for retailing of items to be assembled or used away from the premises	P	P
Hotels and motels including dining and meeting rooms		S

Household appliance stores including radio and television sales with incidental repair facilities		P
Indoor theaters	S	S
Insurance offices	P	P
Interior decorating shops	P	P
Jewelry stores	P	P
Laboratories, when located on the ground floor	S	S
Laboratories, when located above the ground floor	P	P
Laundrettes and hand laundries	P	P
Leather goods and luggage stores	P	P
Libraries, public or private	P	P
Liquor stores, package goods only	S	S
Loan offices		S
Locksmith shops	P	P
Lodging rooms and dwelling units located above the ground floor of a permitted use	S	S
Lumber yards		P
Mail order service stores		P
<u>Massage parlor/establishment</u>	<u>S</u>	<u>S</u>
Medical or Dental Clinic	S	S
Medical or Dental Office	P	P
Meeting halls when located above the ground floor		S
Messenger or telegraph service stations	S	S
Millinery shops	P	P
Mortgage companies and/or real estate agencies	S	
Music stores, records and sheet music	P	P
Musical instrument sales and repair	P	P
Newspaper offices, not including printing	P	P
Office supply stores	P	P
Offices, professional, business, public or institutional	P	P
Office, medical or dental	P	P
Painting and decorating shops	P	P
Paint and wall paper stores	P	P
Photograph galleries	P	P
Photography studios including on-premise developing and printing of photographs	P	P
Plumbing shops	P	S
Post offices	P	P

Print shops	P	P
Printing and publishing		S
Production and repair		S
Public utility and governmental service uses	S	S
Radio and television broadcasting studios		P
Recreation buildings	S	S
Restaurants	P	P
Restaurants with Drive-Through Facilities	S	S
Restaurants with live entertainment and/or dancing	S	S
Restaurants with outdoor dining	S	S
Sales or show rooms	P	P
Schools, commercial or trade	S	S
Shoe and hat repair stores	P	P
Shoe stores	P	P
Sporting goods stores	P	P
Studio parlors	P	P
Tailor shops	P	P
Telephone booths and exchanges	P	P
Temporary buildings for construction purposes	P	P
Tobacco shops	P	P
Toy stores	P	P
Travel agencies	P	P
Undertaking establishments and funeral parlors	S	
Upholstering shops	P	P
Variety stores	P	P
Vending machine structures (housing)	P	P
Video rentals	P	P

SECTION 5. RESOLUTION OF CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. 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 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

VOTES

AYES: Trustee Brzezniak-Volpe

NAYS: Trustee Schuepfer, Steiner, Brzozowski-Wegrecki, Zerillo, Lewandowski

ABSENT:

ABSTAIN:

Passed and Approved this 14th day of January, 2021.


Mayor Arlene Jezierny

ATTEST:

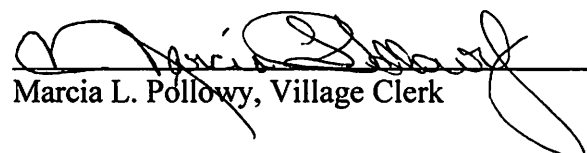

Marcia L. Pollowy, Village Clerk

EXHIBIT A

**VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS
PLANNING AND ZONING COMMISSION**

In Re the Matter of:)	
Proposed Zoning Code Text Amendment)	No. 20-01
Excluding Massage Parlor/Establishment)	
From Adult Use Definition and Designating)	
Massage Parlor/Establishment As Permitted)	
Use in the Village's B-1 and B-2)	
Commercial Districts)	

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
PZC**

In Re the Matter of:)	
Zitella Properties LLC's Petition for Proposed)	
Zoning Code Text Amendments Removing)	Hearing No. 2020-01
Massage Establishments from "Adult Use")	
Definition and Authorizing Massage)	
Establishments as Special Uses Within the)	
Village's B1 and B2 Commercial Districts)	

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

I. BACKGROUND

Zitella Properties LLC ("Applicant") owns a commercial strip mall located at 7354 W. Lawrence Avenue (the "Property"), Harwood Heights. Applicant has a prospective tenant interested in signing a lease and opening a day spa featuring massage services at the property. Presently, massage establishments are classified as adult uses in the Village and only allowed in industrial zoning districts, which have relatively poor visibility in terms of high-trafficked corridors. Applicant has requested that the Village amend its Zoning Code to (i) amend the definition of "adult use" as set forth in Section 17.48.030 of the Village Code to exclude references to "massage parlor/establishment," to (ii) make a "massage parlor/establishment" a use allowed in the Village's B-1 and B-2 commercial zoning districts, and (iii) for such other and further zoning relief as may be required. Applicant did not propose any specific language, so the Village's legal counsel prepared a draft ordinance for discussion and review that, if enacted, would remove massage parlors from the adult use classification and make them eligible for conditional use approval in the B-1 and B-2 commercial districts, meaning that each such establishment would have to apply to the Village for a conditional use permit in order to operate. Because this body's jurisdiction is limited to zoning considerations, any companion regulatory measures that might be considered for adoption by the Village Board to ensure that massage establishments are therapeutic rather than sexually-oriented in nature are beyond the scope of the hearing and this body's findings and recommendation.

II. PROPOSED ZONING TEXT AMENDMENTS

The proposed changes to the text of the Zoning Code include relatively minor updates to the definition of "massage parlor/establishment" in Section 17.48.030 of the Code to track the definitions provided in the Illinois Massage Licensing Act, 225 ILCS 57/10, which includes the stipulation that massage techniques be administered by State-licensed massage therapists.

Section 17.48.030 is proposed to be amended to remove the inclusion of massage parlors/establishments within the list of enumerated adult uses, which otherwise include a series of overtly sexually oriented activities.

Finally, the third proposed change is listing “massage parlor/establishment” amongst the specially permitted uses in the B1 and B2 commercial districts in Table 17.16.030.1.

III. PROCEDURES

A. JURISDICTION

The Planning and Zoning Commission (“PZC”) has jurisdiction pursuant to Sections 2.54.090(C) and 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 Section 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 originally scheduled October 28, 2020 Planning and Zoning Commission hearing date. The hearing was rescheduled to November 25, 2020 in response to a COVID-19 outbreak that resulted in the closure of Village Hall during the originally-scheduled hearing date. Notice of the rescheduled hearing was mailed to the petitioner, all members of the PZC, posted on the Village website and posted on the door to Village Hall in advance of the postponed October 28, 2020 hearing. The November 25, 2020 hearing date was appropriately noticed in accordance with legal requirements.

C. PUBLIC HEARING

Prior to hosting the public hearing, the PZC 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 PZC convened a properly noticed public hearing on November 25, 2020 via Zoom videoconference to consider the proposed zoning code text amendments (the “Hearing”). At the Hearing, the PZC received testimony from Nicole Swick as a representative of the petitioner. The PZC deliberated on the merits of the proposed text amendments. No other members of the public remotely attended the Hearing or provided written comments to be read during the hearing. All eleven PZC members were present for the videoconference.

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 by 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 PZC 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.

Above all, zoning text amendments must be reasonable and not arbitrary and must be guided by the demands of the public good. The PZC'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 PZC'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 November 25, 2020, the Harwood Heights PZC 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 PZC 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. Much of the Village's current Zoning Code continues to fulfill its intended function as organizing the use of land in the Village in a way that maximizes and upholds the public health, safety, comfort, morals, convenience, aesthetics and general welfare as written, and no amendments are desirable or proposed to those sections.

6. Applicant testified that it was in negotiations with a prospective tenant seeking to open a day spa offering body and foot massage services at the Property.

7. Applicant clarified that the massage services would be entirely therapeutic in nature, with no sexual component.

8. Although Applicant did not disclose the identity of the prospective tenant, she indicated that the prospective tenant operates an existing location in the metropolitan area.

9. Village Attorney Mark Heinle clarified for the PZC that the zoning relief under consideration is general in nature, involving amendments to the text of the Zoning Code, and, as such, the particular details of the specific prospective tenant's operation are not relevant to the contemplated zoning relief. If the zoning relief under consideration is granted, the prospective tenant would need to apply for a special use in order to operate at the Property, at which time an investigation into the particular of the prospective tenant's proposed operations would be relevant and appropriate.

10. In response to an inquiry from Commissioner Lostumbo regarding whether a hardship presently exists, Swick testified that the space in the strip mall has been vacant in excess of one year and that retail leasing has slowed considerably.

11. Applicant noted that two salons are already located in the strip mall at the Property and that a massage establishment would be complementary fit to the existing personal services establishments.

12. The PZC listened to testimony emphasizing the lack of any sexually oriented component to day spa-type massage establishments and that massage parlors of a therapeutic, spa-type nature are popular, common and are more comparable to beauty salons, barbershops, and nail or tanning salons than adult cabarets, adult cinemas and other similar sexual uses categorized by the Village as “adult uses.”

13. Adult uses are permitted as of right in the Village’s M2 manufacturing district under Section 17.48.040 of the Village of Harwood Heights Zoning Code. As an adult use, massage establishments are restricted only to the Village’s M2 heavy industrial zoning district.

14. Applicant indicated that massage establishments and day spas featuring massage services are more appropriately located in commercial corridors in locations similar to other personal services or fitness uses rather than in heavy manufacturing districts.

15. The PZC found that well-regulated massage establishments featuring State-licensed therapists are not sexually oriented in nature and should not be classified as adult uses.

16. The proposed changes to the definition of “massage parlor/establishment” aligns with State law, increases specificity and enhances clarity for the public and existing and prospective businesses and will assist the Village in distinguishing between legitimate therapeutic massage businesses and sexually oriented massage businesses by requiring State licensure.

17. The PZC finds that updating the definition of “massage parlor/establishment” in the Zoning Code furthers the public health, safety, comfort, morals, convenience and general welfare.

18. The PZC finds that a case-by-case evaluation of any particular massage establishment through a special use zoning permit and public hearing to determine the appropriateness of a particular establishment for a particular site is the best method of addressing what could be disparate types of establishments within a broad use grouping.

19. Some Commissioners expressed a concern for precedent and a belief that insufficient evidence was introduced to show that the Village's historical handling of massage establishments required modification, but this was a minority view.

20. Section 17.56.180(c) of the Village Code lays out criteria for considering zoning code text amendments, including "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."

21. Section 4 of the Village's Comprehensive Plan, adopted on September 8, 2011, includes a description of strategies for "incentivizing desirable new development and diversifying the Village's tax base." Strategies for doing this include "relocating non-tax generating uses" along major traffic corridors to other locations within the Village. A minority of Commissioners were concerned with amending the Zoning Code to broaden the type of non-sales tax revenue generators eligible to apply for approval to locate along key transportation and commercial corridors in the B1 and B2 districts.

22. On balance, the proposed text amendments are consistent with the overall Zoning Code.

23. 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, and enhance the Village's goal of accommodating varied and competing uses and integrating such uses into a harmonious built environment that is protective of the public health, safety and welfare.

24. The proposed text amendments considered by the PZC are not designed to correct errors in the existing Zoning Code, but rather to respond to the contemporary popularity of day spas and massage parlors and the shifting connotations and broad acceptance associated with the latter.

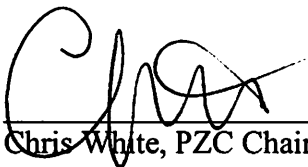
25. The proposed text amendments are reasonable and not arbitrary and are guided by the demands of the public good.

26. Based on the foregoing, the PZC finds that the proposed new definitions should be approved.

V. RECOMMENDATION

NOW THEREFORE, following a public hearing hosted by the Village of Harwood Heights PZC, held on November 25, 2020 (Hearing No. 2020-01), the PZC hereby recommends by a 7 - 3 vote (Commissioners White, Ludston and Christl dissenting)

amending the definition of “adult use” to exclude massage parlors/establishments, and, by an identical vote, to approve an amendment to Table 17.16.030.1 to designate massage parlors/establishments as specially permitted uses in the B1 and B2 commercial zoning districts, for the reasons more fully set forth in the foregoing Findings of Fact and Recommendation to the Village Board of Trustees.

By: _____
Chris White, PZC Chair

Date: 12/12/20

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

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

I do further certify that the foregoing Ordinance 21-02 entitled:

AN ORDINANCE AMENDING TITLE 17 OF THE VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES TO EXCLUDE MASSAGE PARLOR/ESTABLISHMENT FROM ADULT USE DEFINITION AND DESIGNATING MASSAGE PARLOR/ESTABLISHMENT AS SPECIALLY PERMITTED USE IN THE VILLAGE'S B-1 AND B-2 COMMERCIAL ZONING DISTRICTS

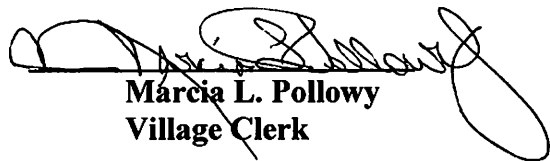
Is true and correct copy of an Ordinance denied by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 14th day of January, 2021.

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 15th day of January, 2021.




Marcia L. Pollowy
Village Clerk

RECEIVED
JAN 10 1964

MEMORANDUM

TO : THE PRESIDENT
FROM : THE SECRETARY OF DEFENSE
SUBJECT: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

[Handwritten signature and initials]

