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

ORDINANCE NO. 22 - 07

**AN ORDINANCE AMENDING TITLE 17 OF THE VILLAGE OF HARWOOD
HEIGHTS CODE OF ORDINANCES TO ESTABLISH A NEW R2-A ZONING
DISTRICT ALLOWING THREE-UNIT MULTIFAMILY RESIDENTIAL
STRUCTURES AS PERMITTED USES**

Passed by the Board of Trustees, June 9, 2022

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By Authority of the Village Board of Trustees

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

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MARCIA L. POLLOWY, VILLAGE CLERK**

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Village Clerk

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STRUCTURES AS PERMITTED USES**

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

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

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

WHEREAS, 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 and has amended its Zoning Code provisions from time to time pursuant to authority granted in Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14);

WHEREAS, Section 17.56.020 of the Village Code authorizes the Planning and Zoning Commission (PZC) to initiate and recommend zoning code text amendments to the Village Board;

WHEREAS, Section 17.56.010(A)(1) of the Village Code grants the Village Board final authority 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, certain areas of the Village, including with particularity the 4600 Block of Sayre, 6800 block of Leland and the 4400 blocks of Oak Park and Newcastle (“Potential Rezoning Areas”), mostly consist of legally nonconforming uses insofar as most of the multi-family residential structures in these areas feature three dwelling units each (“3-flats”), instead of the two-dwelling unit per building maximum allowable in the host R2 Single-Family Attached and Two-Family Residential District zoning district (“R2 District”);

WHEREAS, the Zoning Code contains an R3 Multiple-Family Residential District (“R3 District”) that allows 3-flats as permitted uses, but is subject to denser (more permissive) bulk dimensional requirements than are currently present in the Potential Rezoning Areas;

WHEREAS, the Planning and Zoning Commission considered the establishment of a new R2-A Single-Family Attached, Two and Three-Family Residential District in order to formally recognize and legalize the longstanding use of properties in the Potential Rezoning Areas for 3-flats and thereby eliminating the nonconforming status of such use without adding to the permitted bulk of such structures as would be required by rezoning properties into the existing R3 zoning district;

WHEREAS, the Planning and Zoning Commission conducted a duly-noticed public hearing concerning the proposed text amendments to the Zoning Code at Village Hall on May 25, 2022;

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 May 5, 2022, 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 initiate and 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, listen to an audio recording of the hearing, and review 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 text amendments; and

WHEREAS, the Corporate Authorities have determined that enacting this Ordinance will promote and protect the public health, safety and welfare; and

WHEREAS, in addition to the foregoing, 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 17.08.010. Title 17 ("Zoning Ordinance"), Chapter 17.08 ("Zoning Districts Generally"), Section 17.08.010 ("Establishment of Districts") 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:

17.08.010 Establishment of districts.

In order to carry out the purposes and provisions of this title, the village is divided into the following districts:

A. Residential districts:

R1 Single-family detached residential district;

R2 Single-family attached and two-family residential district;

R2-A Single-Family Attached, Two and Three-Family Residential District

R3 Multi-family residential district;

R4 Multi-family residential district.

B. Business districts:

B1 Neighborhood shopping district;

B2 central shopping district.

C. Manufacturing districts:

M1 Manufacturing District;

M2 Manufacturing District.

SECTION 3. AMENDMENT TO TITLE 17, CHAPTER 17.12.010. Title 17

("Zoning Ordinance"), Chapter 17.12 ("Residential Districts"), Section 17.12.010 ("Preamble") 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:

17.12.010 Preamble.

- A. Intent of R1 Single-Family Residential District. The R1 single-family residential district is intended to provide regulations which will maintain the character and stability of single-family residential neighborhoods in the village
- B. Intent of R2 Single-Family Attached and Two-Family Residential District. The R2 residential district is intended to provide regulations which will tend to develop and maintain the character and style of the townhouse (single-family attached and semi-detached) and apartment type (low density two-family dwellings) parts of the village and which, generally, have apartment buildings or townhouses containing not more than two dwellings in a structure, and average a density of not more than twenty-two (22) units per net acre.

C. Intent of R2-A Single-Family Attached, Two and Three-Family Residential District.

The R2-A residential district is intended to provide regulations which will tend to develop and maintain the character and style of the village by providing for moderately dense and affordable residential options without altering the built environment at existed at the time of adoption.

- ~~**CD.**~~ Intent of R3 Multiple-Family Residential District. The R3 multiple-family residential district is intended to provide for construction of a residential environment in an area subject to economic and population pressures which cannot be alleviated by existing single-family or two-family residential zoning.
- ~~**DE.**~~ Intent of R4 Multiple-Family Residential District. The R4 multiple-family residential district is intended to provide for construction of a residential environment in an area under high economic pressure, requiring high intensity uses, which cannot be alleviated by R3 multiple-family residential zoning.

SECTION 4. AMENDMENT TO TITLE 17, CHAPTER 17.12.010. Title 17

("Zoning Ordinance"), Chapter 17.12 ("Residential Districts"), Section 17.12.030 ("Residential 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:

17.12.030 Residential districts permitted and special uses.

Table 17.12.030.1: Residential Districts Permitted and Special Uses lists permitted and special uses for the residential 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 17.12.030.1—RESIDENTIAL DISTRICTS PERMITTED AND SPECIAL USES | | | | | |
|--|-----------------|----|--------------------|----|----|
| | Zoning District | | | | |
| Use ¹ (P = Permitted; S = Special Use) | R1 | R2 | <u>R2-A</u> | R3 | R4 |
| Residential Uses | | | | | |
| Dwellings | | | | | |
| Single-family detached dwellings | P | P | <u>P</u> | P | |
| Semi-detached dwellings | | P | <u>P</u> | P | |
| Two-family dwellings | | P | <u>P</u> | P | |
| Multi-family dwellings, 3 units | | | <u>P</u> | P | P |
| Multi-family dwellings, 18 units or fewer | | | | | P |
| Multi-family dwellings, more than 18 units | | | | | S |
| Other | | | | | |
| Residential planned developments ² | S | S | <u>S</u> | S | S |
| Institutional Uses | | | | | |
| Community Facilities | | | | | |
| Public libraries | S | S | <u>S</u> | S | |
| Churches and temples | S | S | <u>S</u> | S | |
| Seminaries, convents, monasteries, and similar religious institutions ³ | S | S | <u>S</u> | S | |
| Institutions of an educational or philanthropic nature | | S | <u>S</u> | S | S |
| Private clubs | | | | | S |

| | | | | | |
|---|---|---|----------|---|---|
| Hospital | | | | | S |
| Schools | | | | | |
| Public schools | S | S | <u>S</u> | S | S |
| Police and fire department stations | S | S | <u>S</u> | S | |
| Parks and Recreation | | | | | |
| Public parks | S | S | <u>S</u> | S | |
| Recreational areas and playgrounds | S | S | <u>S</u> | S | |
| Forest preserve | S | S | <u>S</u> | S | |
| Other | | | | | |
| Temporary buildings for construction purposes ⁴ | P | P | <u>P</u> | P | P |
| Public utility and governmental service uses ⁵ | S | S | <u>S</u> | S | S |
| Gas regulator stations | S | S | <u>S</u> | S | S |
| Electric substations and booster stations | S | S | <u>S</u> | S | S |
| Filtration plants, pumping stations, water reservoirs and wells | S | S | <u>S</u> | S | S |
| Telephone exchange and microwave relay towers | S | S | <u>S</u> | S | S |
| Other governmental uses | S | S | <u>S</u> | S | S |

Footnotes:

¹ The terms in this column ("Use") are defined in Section 17.04.050 (Rules—Definitions).

² Subject to Section 17.52.120.

³ Permitted on a lot not less than five acres in area, and provided no building or structure shall be located less than one hundred (100) feet from a lot line.

⁴ Temporary buildings permitted not to exceed construction period.

⁵ Permitted on lots having areas, widths, yards, and other conditions as approved by the village board.

SECTION 5. AMENDMENT TO TITLE 17, CHAPTER 17.48. Title 17 ("Zoning Ordinance"), Chapter 17.12 ("Residential Districts"), Section 17.12.040 ("Residential Districts Bulk and Yard Requirements") 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:

17.12.040 Residential districts bulk and yard requirements.

Table 17.12.040.1: Residential Districts Bulk and Yard Requirements establishes building bulk and yard setback requirements for the residential districts. These regulations apply to all uses within a given district unless otherwise stated.

| TABLE 17.12.040.1—RESIDENTIAL DISTRICTS BULK AND YARD REQUIREMENTS | | | | | |
|--|---|---|--|--|---|
| du = Dwelling Unit; SF = Single-family Detached; 2F = Two-Family Detached; TH = Semi-detached Single-family; MF = Multi-family | | | | | |
| | Zoning District | | | | |
| | R1 | R2 | R2-A | R3 ^{1,2} | R4 ¹ |
| Lot Dimensions | | | | | |
| Minimum Lot Area | 5,000 sf Non-residential uses: 15,000 sf | SF and 2F: 5,000 sf TH: 4,000 sf/du Non-residential uses: 10,000 sf | <u>SF and 2F: 5,000 sf</u> <u>TH: 4,000 sf/du</u> <u>Non-residential uses: 10,000 sf</u> | SF and 2F: 5,000 sf TH: 4,000 sf/du MF: 7,500 sf minimum, - 1,500 sf per 1 BR/Eff. du, - 2,000 sf per 2 BR du, - 2,500 sf per 3 BR du | MF w/ 18 or fewer units: 15,000 sf ⁸ MF w/ more than 18 units: 22,500 sf Non-residential uses: 15,000 sf |
| Minimum Lot Width | 40 ft. Non-residential uses: 120 ft. | SF and 2F: 40 ft. TH: 60 ft. | <u>SF and 2F: 40 ft.</u> <u>TH: 60 ft.</u> | - | 120 ft. |
| Minimum Lot Depth | 125 ft. | - | - | - | - |
| Building Height | | | | | |
| Maximum First Finished Floor Height | 4.5 ft. | 4.5 ft. | <u>4.5 ft.</u> | - | - |
| Maximum First Floor Porch Eave Height | 14.5 ft. | 14.5 ft. | <u>14.5 ft.</u> | - | - |
| Maximum Eave Height—Hip, Gable, or Gambrel Roof Type | 1-2 Stories: 14.5 ft. 3+ Stories: 23.5 ft. | 1-2 Stories: 14.5 ft. 3+ Stories: 23.5 ft. | <u>1-2 Stories: 14.5 ft.</u> <u>3+ Stories: 23.5 ft.</u> | - | - |
| Maximum Building Height—Hip, Gable, or Gambrel Roof Type 1-2 Stories: 22 ft. | 3+ Stories: 30 ft. | 1-2 Stories: 22 ft. 3+ Stories: 30 ft. | <u>1-2 Stories: 22 ft.</u> <u>3+ Stories: 30 ft.</u> | 35 ft. | 35 ft. ⁴ |
| Maximum Building Height—Other Roof Type | 1-2 Stories: 18 ft. 3+ Stories: 26 ft. | 1-2 Stories: 18 ft. 3+ Stories: 26 ft. | <u>1-2 Stories: 18 ft.</u> <u>3+ Stories: 26 ft.</u> | 35 ft. | 35 ft. ⁴ |
| Building Mass | | | | | |
| Maximum Floor Area Ratio (FAR) | N/A; Non-residential uses: 0.25 | N/A; Non-residential uses: 0.4 | <u>N/A;</u> <u>Non-residential uses: 0.4</u> | 0.4 | - |
| Minimum Wall Opening Percentage | 5% per wall | 5% per wall | <u>5% per wall</u> | - | - |
| Yard & Setback Requirements | | | | | |
| Front yard | 25 ft. | 25 ft. | <u>25 ft. minimum^{5, 6, 8}</u> | 25 ft. minimum ⁵ | 25 ft. minimum ^{5, 6} |

| | minimum ^{5, 6, 8} | minimum ^{5, 6, 8} | | ⁶ | |
|--------------------|-------------------------------|---|---|--|---|
| Side yard | 4 ft. minimum ⁵ | 10% of total width minimum ⁵ | <u>10% of total width minimum⁵</u> | 10% of total width minimum ⁵ | 10% of total width minimum ⁵ |
| Rear yard | 35 ft. ^{5, 7} | 35 ft. ^{5, 7} | <u>35 ft.^{5, 7}</u> | 35 ft. ^{5, 7} | 35 ft. ^{5, 7} |
| Useable Open Space | - | - | = | - | 1 BR/Eff.: 300 sf/du 2 Bedroom: 500 sf/du 3 & 4 Bedroom: 750 sf/du |

Footnotes:

¹ The requirements of yards, usable open space, and parking shall take precedence over total number of units allowed on any given parcel of land.

² The sum of one bedroom and efficiency units cannot exceed fifty (50) percent of all the units built on one lot and the number of dwelling units contained in any one structure cannot exceed three.

³ The sum of one bedroom and efficiency units cannot exceed fifty (50) percent of all the units built on one lot.

⁴ Structures containing more than eighteen (18) units can exceed thirty-five (35) ft. in height, but must be approved through the planned development process as provided in Section 17.56.200.

⁵ For non-residential buildings of more than twenty-six (26) feet in height located within the R1 district, each required front, side and rear yard shall be increased in width or depth by one foot for each additional one foot of building height over twenty-six (26) feet.

⁶ Front yard need not exceed 6.5 feet in width, except on corner lots, where the side yard adjoining a street shall be not less than five feet in depth. For lots of record of less than forty (40) feet prior to annexation a side yard of ten (10) percent of the width of the lot is required on each side.

⁷ At least forty (40) percent in the R1 district of the total area of the required rear yard, and three hundred (300) sq. ft. in the R2 district of the required rear yard, must be open to the sky ("open space") and not covered with concrete or other nonporous materials. Up to one hundred fifty (150) square feet may be included in calculation of open space when covered with interlocking or abutting solid blocks constructed on a compacted soil sub grade and compacted aggregate base. The area will be considered as open space if and only if, the paver block area is constructed with landscaping fabric and without any plastic or any materials impervious to water.

SECTION 6. RESOLUTION OF CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. 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 8. 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 Brutto, Steiner, Brzezniak-Volpe, Brzozoski-Wegrecki, Zerillo, Lewandowski

NAYS:

ABSENT:

ABSTAIN:

Passed and Approved this 9 day of June, 2022.


Mayor Arlene Jezierny

ATTEST:

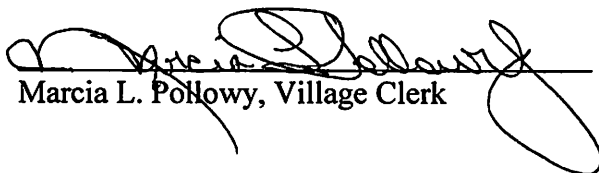

Marcia L. Polnowy, Village Clerk

EXHIBIT A

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

| | | |
|---|---|------------------|
| In Re the Matter of: |) | |
| Proposed Zoning Code Text Amendments |) | No. 22-01 |
| Establishing R2-A Zoning District |) | |

**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: |) | |
| Zoning Text Amendments Amending Residential |) | |
| Driveway Regulations and Establishing New |) | Hearing No. 22-01 |
| R2-A Single-Family Attached, Two and |) | |
| Three-Family Residential Zoning District and |) | |
| Zoning Map Amendments Rezoning Certain |) | |
| Properties from R2 to R2-A |) | |

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

I. BACKGROUND

The Planning and Zoning Commission (PZC) conducted a hearing on May 25, 2022 to consider several Village-initiated proposed zoning changes. A single public hearing was convened concerning the various zoning code and text amendments. The PZC hearing culminated in separate findings and recommendations for each of the three distinct proposed ordinances, two of which concerned zoning text amendments and the third involved the rezoning of numerous properties within the Village.

A. Ordinance Limiting Driveway Size

The first ordinance under consideration by the PZC (the “Driveway Ordinance”) would amend the text of the Village’s Zoning Code to regulate the size of residential driveways and limit impermeable lot coverage in the R1 and R2 zoning districts in an effort to stem a recent trend of oversized and irregularly shaped driveways being installed in a non-uniform manner. Specifically, an added footnote to Section 17.12.040 (“Residential Districts Bulk and Yard Requirements”) would require that at least 60% of R1 district and 50% of R2 district front yards remain open to the sky (e.g. or, in the case of a front porch, to be constructed so as to allow rain to pass through, such as the planks of a deck) or be covered in permeable materials (as opposed to, say, concrete). Section 17.28.170 (“Design standards for access driveways”) requires the issuance of a Village permit to construct a driveway in order to ensure oversight, as well as introducing design standards intended to allow for proper grading and drainage. Finally, driveway widths would be restricted to 10’ wide for single-car attached garages, 16’ wide for 1.5 car garages, and 22’ wide for two-car garages. In all cases, the driveway cannot exceed the width of the garage opening by more than two feet (2’). For those properties featuring detached garages in the rear yard, the driveway width would be limited to 10’ in the front and side yards.

B. Ordinance Establishing New R2-A District

A second proposed zoning text amendment ordinance under consideration at the PZC hearing would create a new R2-A zoning district (“R2-A Ordinance”), which would serve as a hybrid of the existing R2 and R3 districts in that the building size and setback requirements would be identical to those of the existing R2 district, while the range of uses allowed would be expanded to include three-unit buildings as in the R3 district.

C. Rezoning Specific Properties from R2 to R2-A

Finally, the third ordinance to be considered by the PZC would rezone a host of properties from their existing R2 classification to the proposed new R2-A district (the “Rezoning Ordinance”) in order to render current usage lawful and maximize the ability of property owners to adequately finance, insure, buy and sell their properties. The properties that would be rezoned from R2 to R2-A are set forth in a footnote¹ (the “Rezoning Parcels”).

II. 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 proposals and to make recommendations thereon to the Village Board, and jurisdiction pursuant to Sections 2.54.090(D) and 17.56.020(A)(2) of the Village Code to hear zoning map amendment proposals and to make recommendations thereon to the Village Board.

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 May 25, 2022 Planning and Zoning Commission hearing date. Property owners within 250 feet of the properties subject to the proposed rezonings received mailed notice via first-class US mail between 15 and 30 days prior to the hearing. The PZC hearing was appropriately noticed in accordance with legal requirements.

¹ SAYRE AVENUE PROPERTIES: 4644 N. Sayre Avenue, 4640 N. Sayre Avenue, 4636. Sayre Avenue, 4632 N. Sayre Avenue, 4628 N. Sayre Avenue, 4624 N. Sayre Avenue, 4620 N. Sayre Avenue, 4616 N. Sayre Avenue, 4612 N. Sayre Avenue, 4608 N. Sayre Avenue, 4604 N. Sayre Avenue, 4600 N. Sayre Avenue, 4631 N. Sayre Avenue, 4633 N. Sayre Avenue, 4629 N. Sayre Avenue, 4625 N. Sayre Avenue, 4621 N. Sayre Avenue, 4617 N. Sayre Avenue, 4615 N. Sayre Avenue, 4609 N. Sayre Avenue, 4605 N. Sayre Avenue, and 4601 N. Sayre Avenue
LELAND AVENUE PROPERTIES: 6809 W. Leland Avenue, 6813 W. Leland Avenue, 6817 W. Leland Avenue, 6821 W. Leland Avenue, 6825 W. Leland Avenue, 6829 W. Leland Avenue, 6833 W. Leland Avenue, 6837 W. Leland Avenue, 6841 W. Leland Avenue, 6845 W. Leland Avenue, 6849 W. Leland Avenue, 6853 W. Leland Avenue, 6857 W. Leland Avenue, and 6861 W. Leland Avenue
OAK PARK AVENUE PROPERTIES: 4442 N. Oak Park Avenue, 4438 N. Oak Park Avenue, 4434 N. Oak Park Avenue, 4430 N. Oak Park Avenue, 4426 N. Oak Park Avenue, 4422 N. Oak Park Avenue, 4412 N. Oak Park Avenue, and 4408 N. Oak Park Avenue
NEWCASTLE AVENUE PROPERTIES: 4455 W. Newcastle Avenue, 4451 W. Newcastle Avenue, 4447 W. Newcastle Avenue, 4443 W. Newcastle Avenue, 4439 W. Newcastle Avenue, 4435 W. Newcastle Avenue, 4431 N. Newcastle Avenue, 4427 N. Newcastle Avenue, 4423 N. Newcastle Avenue, 4411 N. Newcastle Avenue and 4407 W. Newcastle Avenue

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 ordinances and the map amendment ordinance and the memorandum from the Village attorney, the Harwood Heights PZC convened a properly noticed public hearing on May 25, 2022 to consider the proposed zoning code text and map amendments (the “Hearing”). At the Hearing, the PZC received testimony from members of the public. The PZC deliberated on the merits of the proposed text amendments. Ten PZC members were present for the Hearing.

D. CRITERIA

1. Text Amendment 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. Section 17.56.180(C) of the Village Code provides the relevant factors to consider in the context of zoning text amendments.

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.

Section 17.56.180(c) establishes additional factors that the PZC and Village Board must consider in weighing a particular proposed text amendment, including:

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

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

9. 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

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

Finally, zoning text amendments must be reasonable and not arbitrary and must be guided by the demands of the public good.

2. Zoning Map Amendment Criteria

The standards for zoning map amendment approval are set out in Section 17.56.180 of the Village Code, as follows:

1. The proposed rezoning of the Subject Property from R2 to R2-A must be consistent with the purposes of the Village's zoning, as those purposes are articulated in Section 17.04.020 of the Code, including:

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

2. Is the proposed map amendment 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?

3. Was the existing R2 zoning designation in error at the time of its adoption?

4. Has there been a change of character in the area or throughout the Village due to the installation of public facilities, other zoning changes, new growth trends, deterioration, development transitions, and the like?

5. Is the proposed R2-A compatible with the surrounding area and the purposes of the proposed district?
6. Would rezoning the property to R2-A result in adverse impacts on the capacity or safety of the portion of street network influenced by the Subject Property?
7. Would rezoning the property to R2-A result in potential parking problems?
8. Would rezoning the property to R2-A result in potential environmental impacts such as water, air or noise pollution, excessive nighttime lighting, excessive stormwater runoff, or other nuisances?
9. Would adequate public facilities and services (e.g., utilities, parking, traffic infrastructure) be available to the Property or will be made available concurrent with the projected impacts of development of the Property?
10. Is there an existing adequate supply of land available in the area and the surrounding community zoned as R2-A to accommodate the needs of the community?
11. Is there is a need in the community for the proposal, and will there will be benefits derived by the community or area by the proposed amendment?

III. 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 20-04 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. Most of the Village's 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.

7. The Driveway Ordinance would enhance the public health, safety, comfort, morals, convenience, and general welfare via an increase in oversight through permitting, introducing uniformity in location and sizes of driveways, improve aesthetics through said uniformity, and improve stormwater controls.

8. By improving drainage, the Driveway Ordinance would provide flood safety improvements and lessen the hazards to persons and property resulting from stormwater runoff.

9. Visual uniformity may improve the value of land and buildings throughout the Village's residential districts.

10. Limiting driveway sizes will enhance Village aesthetics.

11. The Driveway Ordinance is consistent with the purposes and specific regulations set forth in the Village Zoning Code and is consistent with the Comprehensive Plan.

12. The absence of residential driveway permitting and a regulatory framework has been a historical oversight that the Driveway Ordinance would rectify.

13. The R2-A Ordinance would address the longstanding reality that several Village neighborhoods presently zoned R2, namely, the 4600 Block of Sayre, 6800 block of Leland and the 4400 blocks of Oak Park and Newcastle almost exclusively feature legally non-conforming three-flat multi-family construction predating the Village's adoption of the Zoning Code.

14. Where the built reality broadly diverges from the permissible range of uses, it undermines the zoning classification and leaves the owners of the legally non-conforming properties in danger of losing their legal non-conforming use status in the event that the structures become vacant for six months or more, or in the event that the structures suffer a casualty. In such event, without a zoning change to render the three-flat usage legal under the Village's current regulatory framework, the properties would be limited to being used as two or fewer-dwelling unit structures.

15. The PZC finds that non-conforming uses are more difficult to finance and insure than would be the case if they were rendered conforming and capable of reconstruction and a resumption of use following a period of non-use.

16. The proposed new R2-A zoning classification would maintain the structural size and setback limitations to match R2 zoning district, but would expand the range of uses allowed to include three-unit multi-family structures to reflect the predominant present usage in the areas under consideration for rezoning into the new classification.

17. The PZC finds that the intent of the ordinance is not to allow expanded construction or usage, but merely to ratify what has already been constructed in the 4600 Block of Sayre, 6800 block of Leland and the 4400 blocks of Oak Park and Newcastle.

18. The R2-A Ordinance would enhance the public health, safety, comfort, morals, convenience, and general welfare by eliminating grandfathered non-conforming uses by formally sanctioning the existing uses.

19. The R2-A Ordinance would not increase congestion or put a strain on public utilities or drainage because it would not effectuate an intensification in use over that which is currently in existence.

20. The R2-A Ordinance is consistent with the purposes and specific regulations set forth in the Village Zoning Code and is consistent with the Comprehensive Plan in that it modernizes the Village Code to reflect the longstanding residential property usage in certain areas of the Village.

21. The 4600 Block of Sayre, 6800 block of Leland and the 4400 blocks of Oak Park and Newcastle have long been mis-zoned as R2 given the prevalence of three-flat construction and the utter absence of three-flats as a permitted or specially permitted use in the R2 district.

22. The Rezoning Ordinance is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan and the Village's policy of maximizing the power and autonomy of homeowners to finance and convey their parcels.

23. The Rezoning Parcels were improperly zoned as R2 insofar as they have always been used as three-unit multifamily residential structures in a district that did not allow for such usage.

24. The Rezoning Ordinance would not change the character of the Rezoning Parcels, but simply bless the longstanding usage.

25. The proposed new R2-A zoning of the Rezoning Parcels compatible with the surrounding area and the purposes of the proposed R2-A district?

26. No adverse impacts would materialize from the proposed rezoning of the Rezoning Parcels from R2 to R2-A.

27. On balance, the proposed text amendments and rezoning are consistent with the overall Zoning Code.

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

29. The proposed zoning map amendments are reasonable and not arbitrary and are guided by the demands of the public good.

30. Based on the foregoing, the PZC favorably recommends all proposed zoning changes.

IV. RECOMMENDATION

NOW THEREFORE, following a public hearing hosted by the Village of Harwood Heights PZC, held on May 25, 2022 (Hearing No. 22-01), the PZC hereby recommends as follows:

- A. The Driveway Ordinance is recommended for adoption by a unanimous 9-1 vote for the reasons more fully set forth in the foregoing Findings of Fact and Recommendation to the Village Board of Trustees.**
- B. The R2-A Ordinance is recommended for adoption by a 10-0 vote for the reasons more fully set forth in the foregoing Findings of Fact and Recommendation to the Village Board of Trustees.**
- C. The "Rezoning Ordinance for adoption by a 10-0 vote 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: 6/10/2022

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 22-07 entitled:

AN ORDINANCE AMENDING TITLE 17 OF THE VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES TO ESTABLISH A NEW R2-A ZONING DISTRICT ALLOWING THREE-UNIT MULTIFAMILY RESIDENTIAL STRUCTURES AS PERMITTED USES

Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 9th day of June, 2022.

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 10th day of June, 2022.




Marcia L. Pollowy
Village Clerk

