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

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**ORDINANCE NO. 22 - 08**

**AN ORDINANCE REZONING PROPERTY WITHIN THE VILLAGE FROM R2  
SINGLE-FAMILY ATTACHED AND TWO-FAMILY RESIDENTIAL DISTRICT TO  
R2-A SINGLE-FAMILY ATTACHED, TWO AND THREE-FAMILY RESIDENTIAL  
DISTRICT**

[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, 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, 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, 4455 N. Newcastle Avenue, 4451 N. Newcastle Avenue, 4447 N. Newcastle Avenue, 4443 N. Newcastle Avenue, 4439 N. Newcastle Avenue, 4435 N. Newcastle Avenue, 4431 N. Newcastle Avenue, 4427 N. Newcastle Avenue, 4423 N. Newcastle Avenue, 4411 N. Newcastle Avenue and 4407 N. Newcastle Avenue]

Passed by the Board of Trustees, June 9, 2022

Printed and Published June 9, 2022 in Pamphlet Form  
By Authority of the Village Board of Trustees

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

ARLENE C. JEZIERNY, MAYOR  
MARCIA L. POLLOWY, VILLAGE CLERK  
GENE BRUTTO  
ANNETTE BRZEZNIAK-VOLPE  
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LAWRENCE STEINER  
GIUSEPPE "JOE" ZERILLO

I hereby certify that this document was  
properly published in pamphlet form  
by authority of the Board of Trustees  
on the date stated above.

  
Village Clerk

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COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 22 -08**

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SINGLE-FAMILY ATTACHED AND TWO-FAMILY RESIDENTIAL DISTRICT TO  
R2-A SINGLE-FAMILY ATTACHED, TWO AND THREE-FAMILY RESIDENTIAL  
DISTRICT**

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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; and

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

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

**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 adopted the official zoning map of the Village simultaneously therewith; and

**WHEREAS**, Section 11-13-14 of the Illinois Municipal Code, 65 ILCS 5/11-13-14, authorizes the Village to amend its official zoning map to change the designation of particular

parcels by ordinance and Sections 17.56.010(A)(2) and 17.56.180(D) of the Village Code grant the Village Board the authority do the same; and

**WHEREAS**, Section 17.56.180(C) of the Village Code establishes the standards by which proposed zoning map amendments are to be evaluated; and

**WHEREAS**, certain real property within the Village, bearing common addresses 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, 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, 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, 4455 N. Newcastle Avenue, 4451 N. Newcastle Avenue, 4447 N. Newcastle Avenue, 4443 N. Newcastle Avenue, 4439 N. Newcastle Avenue, 4435 N. Newcastle Avenue, 4431 N. Newcastle Avenue, 4427 N. Newcastle Avenue, 4423 N. Newcastle Avenue, 4411 N. Newcastle Avenue and 4407 N. Newcastle Avenue (cumulatively, the “Properties”) are zoned R2 Single-Family Attached and Two-Family Residential District zoning district (“R2”);

**WHEREAS**, the Properties are improved with three-unit multi-family residential

structures commonly known as “3-flats” constructed prior to the adoption of the Village Zoning Code;

**WHEREAS**, the 3-flats are legal non-conforming uses in the R2 District, in that the R2 District does not contemplate residential uses more dense than two-family dwellings;

**WHEREAS**, as legal non-conforming uses under the Village Zoning Code, if such use were to cease for six months, as may be occasioned by a fire or other casualty, the owners of the Properties would not be able to re-establish the existing uses of the Properties and would not be eligible for any zoning relief, making the Properties difficult to finance and insure;

**WHEREAS**, the legally nonconforming uses of the Properties are consistent with the permitted uses within the newly created R2-A Single-Family Attached, Two and Three-Family Residential District (“R2-A District”) and the Properties are the subject of a Village-initiated petition for a zoning map amendment to rezone the Properties from R2 to R2-A to enhance the legally permissible uses of the Properties;

**WHEREAS**, the Village of Harwood Heights Planning and Zoning Commission (“PZC”) has jurisdiction pursuant to Sections 17.56.020(A)(2) and 17.56.180(D) of the Village Code to initiate and hear zoning map amendment requests and to make recommendations thereon to the Village Board, and the Village Board has final authority to approve or deny such proposals pursuant to Sections 17.52.010(A)(2) of the Village Code; and

**WHEREAS**, pursuant to powers granted to it by Sections 17.56.020(A)(2) and 17.56.180(D) of the Village Code, and following due publication of notice in the Norridge-Harwood Heights Pioneer Press on May 5, 2022, and all other mailed and posted notice as required by law and local ordinance, the PZC convened and finally adjourned a duly noticed public hearing (Hearing No. 22-01) on May 25, 2022, to hear and consider the rezonings; and

**WHEREAS**, following a vote at the public hearing, the PZC made certain factual findings and legal conclusions and issued a recommendation to the Village Board that it approve the zoning map amendments, and the PZC submitted that certain REPORT OF FINDINGS OF FACT AND RECOMMENDATION TO THE VILLAGE BOARD OF TRUSTEES [“PZC Findings and Recommendation”] to the Corporate Authorities for review, a true and correct copy of which is attached hereto and incorporated herein as **Exhibit 1**; and

**WHEREAS**, following deliberation and consideration on the evidence and testimony elicited during the public hearing, the PZC Findings and Recommendation, the legal standards and criteria by which the proposed map amendment is to be judged as set forth in the Village Code and other governing law, the Village Board concurs with the factual findings and legal conclusions rendered by the PZC and substantially agrees with the recommendations made by that body with respect to the zoning map amendments and desires to grant the rezonings as proposed;

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

**SECTION 1. RECITALS.** The Corporate Authorities hereby confirm the truth and validity of the representations and recitations set forth in the foregoing recitals and do further acknowledge that they are material to this Ordinance. Such recitals are hereby incorporated into and made a part of this Ordinance as though they were fully set forth in this Section 1.

**SECTION 2. FINDINGS.** The findings of the PZC, attached hereto as **Exhibit 1**, are herein incorporated by reference as the findings of the Village Board to the same effect as if fully recited herein at length. All references in the PZC’s findings are made the references of the Mayor and Board of Trustees of the Village of Harwood Heights.

**SECTION 3. REZONING.** Pursuant to the authority granted to it by Sections 17.56.010(A)(2) and 17.56.180(D) of the Village Code, the Corporate Authorities hereby approve zoning map amendments pertaining to the Properties, rezoning 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, 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, 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, 4455 N. Newcastle Avenue, 4451 N. Newcastle Avenue, 4447 N. Newcastle Avenue, 4443 N. Newcastle Avenue, 4439 N. Newcastle Avenue, 4435 N. Newcastle Avenue, 4431 N. Newcastle Avenue, 4427 N. Newcastle Avenue, 4423 N. Newcastle Avenue, 4411 N. Newcastle Avenue and 4407 N. Newcastle Avenue from their existing R2 Single-Family Attached and Two-Family Residential District designation to the newly created R2-A Single-Family Attached, Two and Three-Family Residential District. The Mayor and Board of Trustees hereby direct the Zoning Administrator or his or her designee to cause the official zoning map of the Village to be so amended.

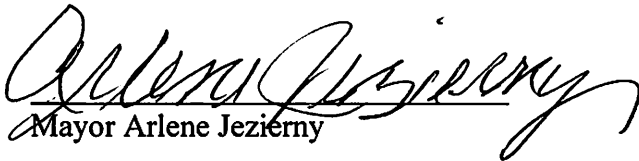
**SECTION 4. RESOLUTION OF CONFLICTS.** All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5. 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.

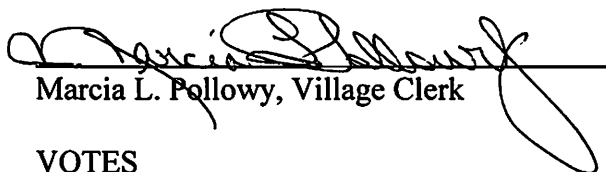
**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Passed and Approved this 9th day of June, 2022.

  
Mayor Arlene Jezierny

ATTEST:

  
Marcia L. Followy, Village Clerk

**VOTES**

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

NAYS:

ABSENT:

ABSTAIN:

**EXHIBIT 1**

**REPORT OF FINDINGS OF FACT AND RECOMMENDATION TO THE VILLAGE  
BOARD OF TRUSTEES TO REZONE THE PROPERTIES FROM R2 TO R2-A**

[attached on following pages]



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

<b>In Re the Matter of:</b>	)	
<b>Zoning Text Amendments Amending Residential</b>	)	
<b>Driveway Regulations and Establishing New</b>	)	<b>Hearing No. 22-01</b>
<b>R2-A Single-Family Attached, Two and</b>	)	
<b>Three-Family Residential Zoning District and</b>	)	
<b>Zoning Map Amendments Rezoning Certain</b>	)	
<b>Properties from R2 to R2-A</b>	)	

**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 footnote<sup>1</sup> (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.

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<sup>1</sup> 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.

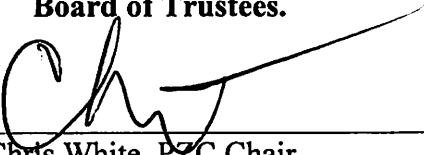
30. Based on the foregoing, the PZC favorably recommends all proposed zoning changes.

#### **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 22-08 entitled:**

**AN ORDINANCE REZONING PROPERTY WITHIN THE VILLAGE FROM R2 SINGLE-FAMILY ATTACHED AND TWO-FAMILY RESIDENTIAL DISTRICT TO R2-A SINGLE-FAMILY ATTACHED, TWO AND THREE-FAMILY RESIDENTIAL DISTRICT**

[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, 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, 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, 4455 N. Newcastle Avenue, 4451 N. Newcastle Avenue, 4447 N. Newcastle Avenue, 4443 N. Newcastle Avenue, 4439 N. Newcastle Avenue, 4435 N. Newcastle Avenue, 4431 N. Newcastle Avenue, 4427 N. Newcastle Avenue, 4423 N. Newcastle Avenue, 4411 N. Newcastle Avenue and 4407 N. Newcastle Avenue]

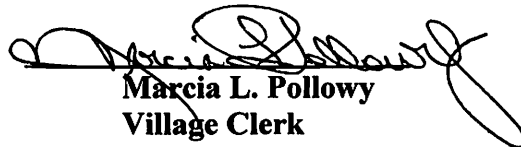
**Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 9th day of June, 2022.**

**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**

