VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ORDINANCE NO. 22 - 13

AN ORDINANCE REZONING CERTAIN WILSON AVENUE PROPERTIES WITHIN THE VILLAGE FROM COMMERCIAL TO INDUSTRIAL ZONING CLASSIFICATIONS

[7220 W. Wilson Avenue, 7230 W. Wilson Avenue, 7301 W. Wilson Avenue, 7310 W. Wilson Avenue, 7315 W. Wilson Avenue, 7319 W. Wilson Avenue, 7327 W. Wilson Avenue, 7333 W. Wilson Avenue, 7351 W. Wilson Avenue, 7355 W. Wilson Avenue, 7400 W. Wilson Avenue]

Passed by the Board of Trustees, July 14, 2022

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By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ARLENE C. JEZIERNY, MAYOR
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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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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 7301

W. Wilson Avenue (PIN 12-13-217-046), 7310 W. Wilson Avenue (PINs 12-13-212-042 and -043), 7315 W. Wilson Avenue (PIN 12-13-217-044), 7319 W. Wilson Avenue (PIN 12-13-217-045), 7327 W. Wilson Avenue (PIN 12-13-217-047 and -053), 7333 W. Wilson Avenue (PIN 12-13-217-052), 7351 W. Wilson Avenue (PIN 12-13-217-051), 7355 W. Wilson Avenue (PIN 12-13-217-050), 7400 W. Wilson Avenue (PIN 12-13-203-020) are presently zoned in the B1 Neighborhood Shopping District (the "B1 Properties"); and

WHEREAS, certain real property within the Village, bearing common addresses 7220 W. Wilson Avenue (PIN 12-13-212-047) and 7230 W. Wilson Avenue (PIN 12-13-212-046) are presently zoned in the B2 Central Shopping District (the "B2 Properties"); and

WHEREAS, the B1 Properties and the B2 Properties (cumulatively, the "Wilson Avenue Industrial Properties") were rezoned from long-standing industrial zoning classifications to their present commercial zoning classification in or about 2011 following the Village's adoption of a Comprehensive Plan that identified the Wilson Avenue Industrial Properties as a commercial transition area that was ripe for conversion from their industrial usage to commercial and retail uses over time in order to expand and capitalize upon the commercial redevelopment of Harlem and Lawrence Avenues in the Village and increase sales tax receipts; and

WHEREAS, this earlier rezoning implemented the Comprehensive Plan's Land Use Plan identified as Figure 8 of the Comprehensive Plan, which expressed a vision of commercial expansion and anticipated near-term redevelopment; and

WHEREAS, as the Wilson Avenue Industrial Properties have continued their historic utilization as light manufacturing uses, the Village's earlier rezoning created legal non-conforming uses; and

WHEREAS, as legal non-conforming uses under the Village Zoning Code, if such uses

were to cease for six months, as may be occasioned by a fire or other casualty, the owners of the Wilson Avenue Industrial Properties would not be able to re-establish the existing uses of the Properties and would not be eligible for any zoning relief, reducing the marketability of the Wilson Avenue Industrial Properties; and

WHEREAS, more then a decade following the initial rezoning, the Wilson Avenue Industrial Properties remain viable and valued industrial uses that employ Village residents and visitors and generate property taxes for the Village; and

WHEREAS, the legally nonconforming light-industrial uses of the Wilson Avenue Industrial Properties are consistent with the permitted uses within the Village's M1 Manufacturing District; and

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 June 9, 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. 22-02) on June 29, 2022, to hear and consider the rezoning's; 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 rezoning's 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 the B1 Properties to the

M1 Manufacturing District classification, and the B2 Properties to the M1 Manufacturing District classification. 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 14th day of July, 2022.

Mayor Arlene Jezierny

ATTEST:

Marcia L. Pollowy, Village Clerk

VOTES

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

NAYS:

ABSENT: Trustee Brzozowski-Wegrecki

ABSTAIN:

EXHIBIT 1

REPORT OF FINDINGS OF FACT AND RECOMMENDATION TO THE VILLAGE BOARD OF TRUSTEES TO REZONE THE PROPERTIES FROM B1 AND B2 TO M-1

[attached on following pages]

VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS
PZC

In Re the Matter of:	)	
Zoning Map Amendments Rezoning Certain	)	**Hearing No. 22-02**
Properties from B1 and B2 to M1	)	

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 June 29, 2022 to consider rezoning a group of Wilson Avenue properties from their existing B1 Neighborhood Shopping District classifications (the "B1 Properties")[1] and B2 Central Shopping District properties (the "B2 Properties")[2] to the M1 Manufacturing District classification, which is the Village's light industrial zoning district. The purpose of the proposed rezoning is to render the current industrial usage of the B1 Properties and the B2 Properties (cumulatively, the "Wilson Avenue Industrial Properties") lawful and to maximize the ability of property owners to adequately finance, insure, buy and sell their properties without needing special zoning relief.

The proposed rezoning of the Wilson Avenue Industrial Properties to industrial reverses a previous Village-initiated rezoning of the same properties (and certain others) from industrial to commercial zoning classifications approximately one decade ago. The Wilson Avenue Industrial Properties were rezoned from long-standing industrial zoning classifications to their present commercial zoning classifications in 2011, following the Village's adoption of a Comprehensive Plan that identified the Wilson Avenue Industrial Properties as a "commercial transition area" that was ripe for conversion from their industrial usage to commercial and retail uses over time in order to expand and capitalize upon the commercial redevelopment of Harlem and Lawrence Avenues in the Village and increase sales tax receipts. This previous rezoning implemented the Comprehensive Plan's Land Use Plan identified as Figure 8 of the Comprehensive Plan, which expressed a vision of commercial expansion and anticipated near-term redevelopment for the Wilson Avenue corridor.

Despite the aspirational rezoning a decade ago in the hopes that the Wilson Avenue corridor would transition to a commercial district, the Village has not experienced a commercial evolution in this area. Instead, the Wilson Avenue Industrial Properties have continued their historic utilization as light manufacturing uses. As a result, the Village's earlier rezoning had the effect of transforming the Wilson Avenue Industrial Properties to legal non-conforming uses.

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[1] 7301 W. Wilson Avenue (PIN 12-13-217-046), 7310 W. Wilson Avenue (PINs 12-13-212-042 and 12-13-212-043), 7315 W. Wilson Avenue (PIN 12-13-217-044), 7319 W. Wilson Avenue (PIN 12-13-217-045), 7327 W. Wilson Avenue (PINs 12-13-217-047 and 12-13-217-053), 7333 W. Wilson Avenue (PIN 12-13-217-052), 7351 W. Wilson Avenue (PIN 12-13-217-051), 7355 W. Wilson Avenue (PIN 12-13-217-050), 7400 W. Wilson Avenue (PIN 12-13-203-020)

[2] 7220 W. Wilson Avenue (PIN 12-13-212-047) and 7230 W. Wilson Avenue (PIN 12-13-212-046)

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 June 29, 2022 Planning and Zoning Commission hearing date. Property owners within 250 feet of the properties subject to the proposed rezoning's additionally 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 and many of the impacted property owners attended the hearing to voice support for the proposed change.

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 zoning map amendment ordinance and the memorandum from the Village attorney, the Harwood Heights PZC convened a properly noticed public hearing on June 29, 2022 to consider the proposed zoning 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. Eight PZC members were present for the Hearing.

D. 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 Wilson Avenue Industrial Properties from B1 and B2 to M1 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. Were the existing M1 and M2 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 M1 district compatible with the surrounding area and the purposes of the proposed district?

6. Would rezoning the property to M1 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 M1 result in potential parking problems?

8. Would rezoning the property to M1 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 M1 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 June 29, 2022, 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 22-02 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.

6. The PZC listened to testimony from many property owners and a real estate broker in attendance, who unanimously testified in support of the proposed rezoning of the Wilson Avenue Industrial Properties.

7. Supporters of the proposed rezoning noted that the properties are best suited to industrial usage, that Harwood Heights is an ideal location for industrial uses given its unique proximity to major transportation, including, notably, air, freight and interstate highway travel.

8. Supporters further noted the current climate strongly favors industrial uses over traditional commercial and retail uses, citing the broad conversion of formerly commercial properties into warehouses serving online retailers.

9. The supporters finally noted that the Wilson Avenue Industrial Properties would have considerably higher property values with industrial zoning designations instead of commercial zoning.

10. Many property owners testified to the generations of family-owned industrial businesses occupying the Wilson Avenue Industrial Properties.

11. No one testified in opposition to the proposed rezoning.

12. The PZC finds that leaving the Wilson Avenue Industrial Properties as legal non-conforming uses under the Village Zoning Code, unnecessarily cripples owners who would be

unable to lawfully resume use of their properties if the Wilson Avenue Industrial Properties were to cease operations for six months and the property owners would not be eligible for any zoning relief, reducing the marketability of the Wilson Avenue Industrial Properties.

13. The ZBA finds that the existing light-industrial uses of the Wilson Avenue Industrial Properties are consistent with the permitted uses within the Village's M1 Manufacturing District but non-compliant with existing zoning.

14. The ZBA finds that the character and longstanding usage of the Wilson Avenue corridor is consistent with M1 zoning.

15. The proposed rezoning's would address the longstanding reality that the Wilson Avenue Industrial Properties exclusively feature legally non-conforming light industrial uses.

16. 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 Wilson Avenue Industrial Properties legal under the Village's current regulatory framework, the properties would be limited to being converted to commercial usage, which has little apparent demand in the vicinity away from the Village's major commercial corridors.

17. 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.

18. The proposed rezoning's 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 proposed rezoning's would not increase congestion or put a strain on public utilities or drainage because it would not effectuate an intensification in real-world use over that which is currently in existence.

20. The proposed rezoning's are consistent with the purposes and specific regulations set forth in the Village Zoning Code.

21. The Wilson Avenue Industrial Properties were mis-zoned in a previous attempt to align the zoning with the Village's aspirational desire for the use to convert over time to a commercial profile. When that transformation did not take place within a decade, the Village reconsidered its previous rezoning and desire to revert to the original industrial zoning of the Wilson Avenue Industrial Properties.

22. The Rezoning Ordinance is 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 Ordinance would not change the character of the Wilson Avenue Industrial Properties, but simply bless the longstanding usage.

24. No adverse impacts would materialize from the proposed rezoning of the Wilson Avenue Industrial Properties from B1 and B2 to M1.

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

26. Based on the foregoing, the PZC favorably recommends the rezoning of the Wilson Avenue Industrial Properties.

IV. RECOMMENDATION

NOW THEREFORE, following a public hearing hosted by the Village of Harwood Heights PZC, held on June 29, 2022 (Hearing No. 22-02), the PZC hereby unanimously recommends, by an 8 – 0 vote of those in attendance, that the Rezoning Ordinance be enacted by the Village Board of Trustees for the reasons more fully set forth in the foregoing Findings of Fact and Recommendation.

By: _____
Chris White, PZC Chair

Date: 7/6/2022

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 22-13 entitled:

AN ORDINANCE REZONING CERTAIN WILSON AVENUE PROPERTIES WITHIN THE VILLAGE FROM COMMERCIAL TO INDUSTRIAL ZONING CLASSIFICATIONS

[7220 W. Wilson Avenue, 7230 W. Wilson Avenue, 7301 W. Wilson Avenue, 7310 W. Wilson Avenue, 7315 W. Wilson Avenue, 7319 W. Wilson Avenue, 7327 W. Wilson Avenue, 7333 W. Wilson Avenue, 7351 W. Wilson Avenue, 7355 W. Wilson Avenue, 7400 W. Wilson 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 14th day of July, 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 15th day of July, 2022.

Marcia L. Pollowy
Village Clerk