

VILLAGE OF JUSTICE

ORDINANCE NO. 2004-24

**AN ORDINANCE ADOPTING THE FIRST PHASE OF THE VILLAGE OF JUSTICE
COMPREHENSIVE PLAN FOR THE VILLAGE OF JUSTICE ZONING CODE, CREATING
CHAPTER 12 ARTICLE II, DIVISION 1, SECTION 12 – 24 AND AMENDING SECTIONS 12-40
AND 12-42 OF THE ZONING CODE.**

ADOPTED BY THE BOARD OF TRUSTEES
OF THE
VILLAGE OF JUSTICE
THIS 25TH DAY OF OCTOBER 2004

Published in pamphlet form by authority of the Board of Trustees of the Village of Justice, Cook County, Illinois, this 25th day of October 2004.

ORDINANCE NO. 2004-24

AN ORDINANCE ADOPTING THE FIRST PHASE OF THE VILLAGE OF JUSTICE COMPREHENSIVE PLAN FOR THE VILLAGE OF JUSTICE ZONING CODE, CREATING CHAPTER 12 ARTICLE II, DIVISION 1, SECTION 12 – 24 AND AMENDING SECTIONS 12-40 AND 12-42 OF THE ZONING CODE.

WHEREAS, pursuant to section 65 ILCS 5/11-13-14, a public hearing on April 22, 2003 was held under the terms of the statute for the Amendment of Regulations and Districts; and

WHEREAS, Zoning Petition 04-03, for the creation of a comprehensive plan for the Village of Justice in Phases and Phase I to address issues of maximum square footage for single family lots, multi-family units, and senior only units as well as maximum green space for residential and multi-family districts has been filed and a public hearing has been held on July 27, 2004, the findings of which are attached hereto as Exhibit A and incorporated herein as if written out in full; and

WHEREAS, upon review of all testimony and information and upon open public meetings further discussion the impact of the proposed comprehensive plan in phases with proposed changes, the Board of Trustees feel it is in the best interest to review the existing zoning regulations in light of keeping housing affordable in the Village and adopt a Comprehensive Zoning Plan in phases, amending the existing Village of Justice Zoning Code (the “Village Code”) from time to time as recommended; and

WHEREAS, the Board of Trustees feel it is in the best interest to adopt Section 12-24 “Authorizing the Comprehensive Plan in Phases” and amend Section 12-40 “R-3 Permitted Uses” and Section 12-42 “R-3 Off Street Parking Regulations”; and

WHEREAS, the Board of Trustees acknowledges that it specifically withholds the adoption to the Village Code herein, as it may relate to lot and square footage size for single family homes in the area of town commonly known as “Roberts Park” until such time as the Zoning and Planning Commission forwards its recommendations on same.

BE IT ORDAINED by the President and Board of Trustees of the Village of Justice, Cook County, Illinois, as follows:

ORDINANCE NO. 2004-24

Section One: The above recitals are hereby incorporated herein as if written out in full.

Section Two: Section 12-24 shall be created authorizing the adoption of the Village of Justice Comprehensive Plan in Phases and as amended from time to time, with Section 12-24 written out in full as follows:

Section 12-24, Adoption of the Village of Justice Comprehensive Plan in Phases.

The review of all Village zoning regulations and an Official Comprehensive Plan for the Village of Justice and the unincorporated territory within one and one-half miles of the boundaries of the Village of Justice, as compiled and subsequently recommended by the Village of Justice Zoning and Planning Commission beginning on July 27, 2004 shall be adopted, and amended from time to time, as follows;

1. For single family homes south of 79th Street, there shall be a maximum of a 20% square footage footprint based on the property size, not to exceed 2,500 square feet of living space, excluding the attached garage.
2. For single family homes north of 79th Street, there shall be a maximum of a 25% square footage footprint based on the property size, not to exceed 4,000 square feet of living space, excluding the attached garage.
3. In all residential or multiple family districts within the Village limits as stated herein, there shall be a minimum green space requirement of 35% of the lot size unless limited by flood plain designation or other state or federal restrictions.
4. In all residential or multiple family districts within the Village limits as stated herein, wherein there is a request to subdivide an existing, developed lot of record into two or more lots, no such subdivision shall be allowed unless each subdivided lot meets the minimum requirements of the Village of Justice Code and adheres to the minimum green space requirements herein, whether such subdivided lot is developed or not.

Section Three: Section 12-40 of the Village Zoning Code shall be amended to read as follows:

Sec. 12-40. R-3 Residence District Permitted Uses:

In the R-3 residence district the uses which may be hereafter established are those permitted in the R-2 district and the minimum lot width for single or two family dwellings shall be sixty five feet (65') and the minimum depth of one hundred twenty five feet (125') and, in addition:

- (1) For designated "senior citizens only" multiple units as defined by the State of Illinois Complied

ORDINANCE NO. 2004-24

Statutes there shall be a rate of three thousand (3,000) square feet of lot or tract of land per unit. For non-age restricted multiple units there shall be rate of three thousand five hundred (3,500) square feet of lot or tract of land per unit.

(2) Rest homes

(3) Health and medical institutions on a lot of tract of land not less than one acre.

Section Four. Section 12-42 of the Village Code shall be amended to read in full as follows:

Section 12-42. R-3 Residence District –Off Street Parking Regulations.

In the R-3 district, parking spaces shall be provided as follows: for designated “senior citizens only” multiple units as defined by the State of Illinois Compiled Statutes there shall be two (2) designated parking spaces per unit plus one-half (1/2) auxiliary parking space per unit in addition to any added garage not attached or not primarily part of the original building; for non-age restricted multiple units there shall be three (3) designated parking spaces per unit plus one-half auxiliary parking space per unit in addition to any added garage not attached or not primarily part of the original building.

Section Five: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance. All Ordinances, or parts of Ordinances in conflict with the provisions of this Ordinance, are hereby repealed insofar as they conflict herewith. This Ordinance shall be immediately in full force and effect after passage, approval, and publication as required by law. This Ordinance is authorized to be published in pamphlet form.

Passed by the Board of Trustees, Village of Justice, at a meeting thereof held on the 25th day of October 2004, on the following roll call vote with at least a majority vote of the Board of Trustees:

Approved this 25th day of October 2004

Melvin D. VanAllen, Village President

Attested this 25th day of October 2004
Kathleen M. Svoboda, Village Clerk

ORDINANCE NO. 2004-24

VILLAGE OF JUSTICE)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Kathleen M. Svoboda, the elected and duly qualified Clerk of the Board of Trustees of the Village of Justice, Cook County, Illinois, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

ORDINANCE NO. 2004-24

AN ORDINANCE ADOPTING THE FIRST PHASE OF THE VILLAGE OF JUSTICE COMPREHENSIVE PLAN FOR THE VILLAGE OF JUSTICE ZONING CODE, CREATING CHAPTER 12 ARTICLE II, DIVISION 1, SECTION 12 – 24 AND AMENDING SECTIONS 12-40 AND 12-42 OF THE ZONING CODE.

which Ordinance was duly adopted by the President and Board of Trustees of the Village of Justice at a meeting held on the 25th day of October 2004 and approved by the Village President on the 25th day of October 2004. I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board complied with all the requirements of the Illinois Open Meetings Act.

I do further certify that the Ordinance, of which the attached is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

DATED at Justice, Illinois, this 25th day of October 2004.

(SEAL)

Kathleen M. Svoboda
Village Clerk

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ORDINANCE NO. 2004-24

Re: Petition # 04-03
Points 1,2, 4 through 7
July 27, 2004

INTRODUCTION

This report of Findings and Recommendation is made pursuant to the requirements of the Illinois Municipal Code, 65 ILCS 5/11-13-5, 5/11-13-6 and 5/11-13-11, and Village of Justice Municipal Code Section 2-53. A Notice of Public Hearing was published on July 12, 2004 at least fifteen and not more than 30 days prior to the hearing, in the Daily Southtown, a newspaper of general circulation in the Village of Justice. A hearing on Petition # 04-03 to request a Public Hearing on creating a comprehensive plan for the Village of Justice Zoning Code, specifically to address a portion of the comprehensive plan as it relates to Maximum Square Footage for Single Family Homes and Senior Occupied Multi-Family Units, Maximum Green Space for any single family home lot, was held on July 27, 2004 at 7:00 p.m. at the Village Hall. At the July 27, 2004 there were seven (7) members of the Zoning Board in attendance. The Village of Justice Mayor and Village Clerk Testified.

There were a handful of citizens in the audience. After discussion and taking all public comments into account, a vote was taken on each of the 7 points addressed for this portion of the Comprehensive Plan as follows.

(1) Board member Kennedy moved and Brock seconded a Motion to approved changes to the Village of Justice Municipal Code to provide a 20% maximum square footage footprint based on the property size, excluding the attached garage, not to exceed 2,500 maximum square footage of living space, excluding attached garage, for a single family home, south of 79th Street.

Motion passed 7 – 0; (0) absent.

(2) Board member Brock moves and Figura seconded a Motion to approve changes to the Village of Justice Municipal Codes to provide a 25% maximum square footage footprint, excluding the attached garage, not to exceed 4,000 maximum square footage of living space, excluding the attached garage, for single family homes north of 79th Street.

Motion passed 7-0; (0) absent

(3) Board member Kennedy moved and Heslop seconded a Motion to continue point number three which considers a 50 x 125 minimum lot size for single family homes east of Roberts Park.

Motion passed 7-0; (0) absent

(4) Board member Figura moved and Brock seconded a Motion to amend the Village of Justice Municipal Code to provide 3000 square feet of property per unit and two and a half parking spaces per unit for multiple family units specifically designated for senior citizens only.

Motion passed 7-0; (0) absent

ORDINANCE NO. 2004-24

(5) Board member Brock moved and Bartoszek seconded a Motion to amend the Village of Justice Municipal Code to provide 3,500 square feet of property per unit and three and one-half parking spaces per unit for non-age restricted Multiple Family Units.

Motion passed 7-0; (0) absent

(6) Board member Kennedy moved and Oszakiewski seconded a Motion to provide in the Village of Justice Municipal Code a minimum green space requirement of 35% of the lot size for any single family lot unless otherwise limited by flood plain designation or other state or federal restrictions.

Motion passed 7-0; (0) absent

(7) Board member Brock moved and Bartoszek seconded a Motion to provide in the Village of Justice Municipal Code a requirement that with any application for subdivision on a lot which is larger than the minimum requirements stated in the Village of Justice Municipal Code and which is already developed, each existing lot subdivided from the original parcel must adhere to the minimum green space requirements.

Motion passed 7-0; (0) absent .

As evidence and support for the above Motions the following documents and information are provided.

(1) Attached as Exhibit A is a letter dated February 29, 2004 to Chairman John Bruce from the Mayor of the Village of Justice.

(2) Attached as Exhibit B are the monthly minutes from the July 27, 2004 Zoning and Planning Commission meeting.

(3) Attached as Exhibit C are the Proposed Zoning Code Changes dated 7/12/2004

(4) The main focus of the presentation for the above motions was the prevention of gentrification in R-1 zoning districts. There were several alternatives discussed as well as the potential hardships proposed motions would create for existing homeowners wanting to sell, develop or remain in the area with or without the proposed changes to the municipal zoning code.

(5) Item number three was continued to the 8/31/2004 Zoning and Planning Commission meeting for additional research and consideration due to the varied lot sizes in the proposed area and the difficulties presented in attempting to formulate a percentage or maximum square footage.

Respectfully submitted,

Village of Justice Zoning and Planning Commission

John W. Bruce, Chairman

EXHIBIT A

The Village of Justice

7800 South Archer Road, Justice, Illinois 60458

Office 708-458-2520

Fax 708-458-4582

Melvin D. VanAllen, Jr. *President*

Kathleen M. Svoboda *Clerk*

E-mail mayorvoj@aol.com

mayor@villageofjustice.com

from the office of: Village President

February 29, 2004

To: Mr. John Bruce, *Chairman*
Zoning and Planning Board
7800 South Archer Road
Justice, Illinois 60458

Re: Comprehensive Zoning Plan

Dear Chairman Bruce:

I believe that it is time the future of the Village of Justice is decided by producing a comprehensive plan for development. Commercial opportunities on our major streets were lost due to multiple family residential constructions during the 1960's and 1970's.

Enclosed is the plan I am presenting as a petition to the Zoning and Planning Board. I would like the Board to review this plan at the regular meetings during the next several months. The entire plan should not be acted upon with a single vote. Each section of the petition should be reviewed and approved or disapproved separately. Individual properties or parcels may be removed from each section or considered separately.

Page one of the petition needs to be acted on quickly. We are losing property every day to larger homes that will eventually cause gentrification and the fewer affordable housing units.

I will be happy to meet with the Zoning and Planning Board to present this petition or to testify about the requests.

After consideration by the Board, please deliver your decision to me in your normal format of minutes and facts and findings report.

Sincerely,

Melvin D. VanAllen, Jr.
President, Village of Justice

EXHIBIT B

APPROVED MINUTES

EXHIBIT C

PROPOSED CODE CHANGES

Village of Justice
Planning Board

Comprehensive Zoning and Use Plan Zoning and
February 29, 2004

John Bruce, *Chairman*

Prevention of gentrification in R-1 neighborhoods

In recent years we have seen areas of the Village change from the original 1,000 to 1,200 square foot single level ranch homes to huge homes with more than 3,000 square feet. Eventually this will raise the property taxes in an area beyond what the current homeowners can afford.

My request is a limit on the size of single family homes of 2,000 square feet or less. In order to build a larger home, the builder or developer will need to petition the Village Board or the Zoning and Planning Board for permission. This permission will not be granted unless the developer can prove that the new home will not be disproportionate in size to the majority of the homes in the neighborhood.

Affordable housing

The State of Illinois has mandated that all municipalities establish an affordable housing policy. We must maintain at least ten percent affordable housing and increase the number of units annually. The formula for affordable housing is complicated and based on income. Currently any home under \$145,000 is considered affordable.

We are currently in compliance with the mandate, but with the values of homes and land increasing we are losing affordable housing faster than we can build. The easiest way to stay in compliance is to promote owner-occupied town homes, especially senior citizen only units.

My request is to change the current 3,300 square feet of land per unit requirement to 3,500 square feet. However, allow senior citizen only housing at 3,000 square feet per unit. Parking spaces will remain at 3.5 per unit, except senior citizen will be allowed at 2.5 per unit.

Special or non-conforming business use

1. The current Village Code does not allow for Special Use or non-conforming use in most zoning classifications. As a result, most of our alcoholic liquor license establishments are improperly zoned.

I request that the Zoning and Planning Board establish a procedure that will allow B-2 use at a B-1 address for the purpose of alcoholic liquor sales.

2. All automotive related businesses must be re-zoned to I-1 within a few years. This was enacted to promote retail businesses on our major roads.

ORDINANCE NO. 2004-24

I request that the Zoning and Planning Board establish a procedure that will allow I-1 use at a B-1 or B-2 address for the purpose of gasoline sales. This zoning shall be issued to a licensee after petition to and approval by the Zoning and Planning Board. The zoning use will expire with the sale or transfer of the property or the business or any change of the license holder. The zoning use will not be "grandfathered".

79th Street

Roberts Road (80th Avenue) to I-294 (Illinois Tollway)

The south side of 79th Street for the entire length shall be zoned B-1.

Property currently zoned and used as R-3 will continue as a legal non-conforming use.

Property currently used as B-2 (liquor licenses) will continue as a legal non-conforming use.

Property currently zoned and used as I-1 (mobile home park) will continue as a legal non-conforming use.

Property currently zoned B-1 and used as I-1 (trucking) would retain the B-1 zoning, but efforts will continue to re-locate the business.

The legal non-conforming use of property will expire as expressed in Village Code.

Archer Road

Roberts Road (80th Avenue) to I-294 (Illinois Tollway)

The north side of Archer Road, from 71st Street to Oak Grove Avenue, shall be zoned B-1.

Exception: Holy Cross Church shall remain R-2.

The south side of Archer Road, from Roberts road to I-294 or 79th Street, shall be zoned B-1.

This includes all property currently used as cemetery. If the property is sold or offered for development it shall become B-1.

The legal non-conforming use of property will expire as expressed in Village Code.

Roberts Road

Archer Road to 87th Street

The east side of Roberts Road from 83rd Street to 87th Street shall continue all current zoning and use.

Exception: Technicraft Auto Body may be re-zoned to I-1 (industrial).

The west side of Roberts Road from Archer Road to 79th Street shall be zoned B-1.

The west side of Roberts Road from 79th Street to 87th Street shall continue all current zoning and use.

ORDINANCE NO. 2004-24

Exception: The southwest corner of 84th Place and Roberts Road shall be zoned B-1. The current R-1 use shall continue as legal non-conforming.

Property currently used as B-2 (liquor licenses) will continue as a legal non-conforming use.

Property currently zoned and used as I-1 (mobile home park) will continue as a legal non-conforming use.

The legal non-conforming use of property will expire as expressed in Village Code.

88th Avenue (Cork Road) including "Un-named Road" *(between Archer & 79th Street)*

Archer Road to 87th Street

The east side of 88th Avenue from 79th Street to I-294 shall be zoned B-1.

Property currently zoned and used as R-1 will continue as a legal non-conforming use.

The east side of 88th Avenue from I-294 to 83rd Street shall be zoned I-1.

The east side of 88th Avenue from 83rd Street to 87th Street Shall be zoned R-3.

The west side of 88th Avenue from 79th Street to I-294 shall be zoned B-1.

Property currently zoned and used as R-1 will continue as a legal non-conforming use.

The west side of 88th Avenue from I-294 to 83rd Street shall be zoned R-3.

The west side of 88th Avenue from 83rd Street to 86th Street shall remain with current zoning.

Exception: The service station at 84th Street shall require special use for I-1 zoning if/when property is transferred

The legal non-conforming use of property will expire as expressed in Village Code.

Requested changes to the Village of Justice Municipal Code

(As proposed by The Justice Village Board)

- 2,500 Maximum Sq. Ft. of living space for Single-Family Homes South of 79th Street, with a footprint not to exceed 1,500 Sq. Ft., excluding attached garage.
- 3,000 Maximum Sq. Ft. of living space for Single-Family Homes North of 79th Street, with a footprint not to exceed 2,000 Sq. Ft., excluding attached garage.
- 50' x 125' Minimum lot size for Single-Family Homes East of Roberts Road.
- 3,000 Sq. Ft. of property per Unit and two and one-half parking spaces per Unit for Senior Citizen owner (age restricted) Multiple-Family Units.

ORDINANCE NO. 2004-24

- 3,500 Sq. Ft. of property per Unit and three and one-half parking spaces per Unit for non-age restricted Multiple-Family Units.
- Minimum green space of 35% for any Single-Family Home Lot, unless otherwise limited by Flood Plain designation or other restrictions.
- Lots that are larger than the minimum requirements, and already developed before subdivision, must adhere to the minimum green space for each lot after subdivision.

Explanations of requested changes

Prevention of gentrification in R-1 neighborhoods

In recent years we have seen areas of The Village change from the original 1,000 to 1,200 Sq. Ft. single level ranch homes to huge homes with more than 3,000 Sq. Ft. Eventually this will raise the property taxes in an area beyond what the current homeowners can afford.

The request is a limit on the size of Single-Family Homes. This maximum size should be based on the general character of homes in each area of The Village.

The suggestion for building areas and size is:

- 2,500 Maximum Sq. Ft. for Single-Family Homes south of 79th Street, with a footprint not to exceed 1,500 Sq. Ft., excluding attached garage.
- 3,000 Maximum Sq. Ft. for Single-Family Homes north of 79th Street with a footprint not to exceed 2,000 Sq. Ft., excluding attached garage.

In order to build a larger home, the builder or developer will need to Petition the Village Board or The Zoning and Planning Board for permission. This permission will not be granted unless the developer can prove that the new home will be comparable in size to a majority of existing homes in the neighborhood.

Clarify the lot size in each neighborhood

The Village Code requires a minimum of 65' x 125' (8125 Sq. Ft.) for development.

In The Roberts Park neighborhood many lots have been allowed at 50' x 125' (6,250 Sq. Ft.). This has led to major redevelopment and improvement of the entire area.

The suggestion for a change of minimum lot size is:

50' x 125' minimum lot size for Single-Family Homes east of Roberts Road

Variances will only be granted if the variance is an advantage to The Village or if a denial is a hardship to The Village. Variances will not be granted due to financial hardship of the developer.

ORDINANCE NO. 2004-24

Affordable housing

The State of Illinois has mandated that all municipalities establish an affordable housing policy. Currently any home under \$145,000 is considered affordable. We are currently in compliance with the mandate, but with the values of homes and land increasing we are losing affordable housing faster than we can build.

The easiest way to stay in compliance is to promote senior citizen only (age restricted), living units. Currently all Multiple-Family Units requires a minimum of 3,300 Sq. Ft. of vacant land per living unit.

The suggestion is to change the square footage of lot size and the required parking spaces for Multiple-Family Units, including town homes and rental units to:

- 3,000 Sq. Ft. per unit and two and one-half parking spaces per living unit for senior citizen (age restricted) Multiple-Family Units;
- 3,500 Sq. Ft. per unit and three and one-half parking spaces per living unit for non-age restricted Multiple-Family Units

Although The State of Illinois has several options of age restricted housing, our past policy has been to adopt The option of eighty per cent of The units must be owned or occupied by persons fifty-five and over and no residents under The age of twenty-one.

Green space/Impervious surface

There have been several discussions regarding green space requirements for Single-Family Homes. In order to accomplish a reasonable ratio both current and proposed requirements must be addressed.

Proposed Changes	#'s below in Sq. Ft.		
Minimum lot size - 65' x 125'	=	8,125	
Maximum proposed footprint	=	1,500	
Maximum garage size - 24' x 36' (or 36' x 24')	=	864	
Largest driveway possible - 91' x 24' (125', 24' garage depth, 10' rear setback x 24' wide)	=	2,184	
Maximum storage shed size - 12' x12'	=	144	4,692
			- 4,692
Total remaining open space:			3,433

This is **42.25%** green space. However, some homes have sidewalks to be considered. Currently most homeowners prefer decks to patios.

The suggestion is to establish a minimum green space:

- Minimum green space of any lot for a Single-Family Home is **35%**, unless restricted otherwise by flood plain designation or other restrictions.
- Lots that are larger than the minimum requirements, and already developed before subdivision, must adhere to the minimum green space after subdivision.