

## ORDINANCE

### **AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A MAJOR PLANNED DEVELOPMENT CONTAINING 21 RESIDENTIAL TOWNHOME UNITS AT THE PROPERTY LOCATED AT 935-970 MADISON STREET**

WHEREAS, on or about March 19, 2018 the Petitioner, Lexington Homes, LLC (“Petitioner”), submitted an application with the Village of Oak Park (“Village”) for a special use permit for a major planned development to construct 21 residential townhome units in the MS-Madison Street Zoning District at the property located at 935-970 Madison Street (“Property”) as more fully set forth in the application; and

**WHEREAS**, on April 5, 2018, April 19, 2018 and May 3, 2018 the Plan Commission held a public hearing on the application for the special use planned development; and

**WHEREAS**, notice of the public hearing was duly published in the *Wednesday Journal* on March 21, 2018; and

**WHEREAS**, the Plan Commission recommended that the special use planned development be approved for the Subject Property by a vote of seven (7) in favor, none (1) against; (Findings of Fact vote seven (7) in favor, none (0) against and one (1) abstention), and

**WHEREAS**, on May 3, 2018, the Plan Commission adopted its Findings of Fact and Recommendation, which is attached hereto and incorporated herein; and

**WHEREAS**, the President and Board of Trustees have received the Plan Commission’s Findings of Fact and Recommendation with respect to the application and hereby adopt and approve said Findings of Fact and Recommendation; and

**WHEREAS**, the President and Board of Trustees have determined that the granting of the special use permit for the major planned development in the Petitioner’s application is in the best interests of the Village subject to the terms and conditions set forth in the Plan Commission’s Findings of Fact and Recommendation and this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, County of Cook, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein as though fully set forth.

**Section 2. Adoption of Findings of Fact and Recommendations.** The Findings of Fact and Recommendation of the Plan Commission, together with all reports and exhibits

submitted at the public hearing, are hereby incorporated by reference herein and are adopted and approved, subject to the conditions set forth herein.

**Section 3. Approval of a Special Use Permit Planned Development.** The Petitioner's application for a special use planned development is approved in accordance with the application on file with the Village, including the requested allowances, subject to the recommendations/conditions as set forth in the "Conditions for Approval of the Planned Development" section of the Plan Commission's Findings of Fact and Recommendation.

**Section 4. Revision to Village Zoning Map.** The Village Planner is hereby authorized and directed to revise the official Village Zoning Map to reflect the existence and boundaries of the new planned development authorized herein by the special use permit.

**Section 5. Planned Development Time Limits.** The planned development approved herein is subject to the time limits for the application for a building permit and commencement of construction set forth in Section 14.5(G)(2)-(3) of the Village Zoning Ordinance applicable to the application.

**Section 6. Sale or Transfer of Property.** At least forty-five (45) days prior to any sale or transfer of ownership of the Property, the Petitioner shall provide the Village with the name of any future owner(s) of the Property and proof that the new owner(s) has the financial capabilities to complete the planned development approved herein, which may include the posting of a bond or other surety with the Village. Additionally, any new owner(s) shall be required to provide proof to the Village that the new owner(s) has read and understands this Ordinance and the incorporated Findings of Fact and Recommendation and shall execute a Transferee Assumption Agreement or similar agreement that binds the new owner(s) to the terms of said documents and said agreement shall be subject to the review and approval of the Village Attorney. If the new owner(s) fails to meet the conditions of this Section, the approvals granted herein shall be null and void.

**Section 7. Sale or Transfer of Property Prior to the Issuance of a Building Permit.** If the Property is sold or transferred at any time prior to the issuance of a building permit for the planned development approved herein to a non-affiliated entity, the new owner shall be obligated to reapply for the approvals granted herein, which shall include the public hearing process set forth in the Village's Zoning Ordinance for said approvals.

**Section 8. No Authorization of Work.** This Ordinance does not authorize the commencement of any work at the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced at the Subject Property until all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

**Section 9. Agreement to Terms of Ordinance.** As a condition of the special use planned development granted herein, this Ordinance shall be signed by an authorized officer of the Petitioner to signify its agreement to the terms hereof.

**Section 10. Violation of Condition or Code.** Any violation of (i) any term or condition set forth in this Ordinance or (ii) any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission of the approvals granted pursuant to this Ordinance.

**Section 11. Severability and Repeal of Inconsistent Ordinances.** 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. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 12. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 21<sup>st</sup> day of May, 2018, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Button				
Trustee Moroney				
Trustee Taglia				
Trustee Tucker				

**APPROVED** this 21<sup>st</sup> day of May, 2018.

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Anan Abu-Taleb, Village President

**ATTEST**

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Vicki Scaman, Village Clerk

Published in pamphlet form this 21<sup>st</sup> day of May, 2018.

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Vicki Scaman, Village Clerk

**ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER TO THE CONDITIONS OF THIS ORDINANCE:**

**PETITIONER – LEXINGTON HOMES, LLC**

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Dated: \_\_\_\_\_, 2018

By:

Its: