

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO CONSTRUCT A MULTIPLE-FAMILY DWELLING BUILDING AT 500-508 LYMAN AVENUE

WHEREAS, on August 10, 2018 an application for a special use permit was filed by Ambrosia Homes of Illinois LLC (“Petitioner”), requesting the issuance of a special use permit to construct a multiple-family dwelling building in the MS Madison Street Zoning District at the property commonly known as 500-508 South Lyman Avenue, Oak Park, Illinois (“Subject Property”); and

WHEREAS, at a meeting held on September 5, 2018, the Zoning Board of Appeals held a public hearing on the Petitioner’s application for the special use permit; and

WHEREAS, notice of the public hearing was duly published in the *Wednesday Journal* on August 15, 2018; and

WHEREAS, the Zoning Board of Appeals recommended that the special use permit be granted for the Subject Property by a vote of seven (7) in favor and none (0) against; and

WHEREAS, the Zoning Board of Appeals adopted its written Findings of Fact and Recommendation on the application at its meeting of September 5, 2018, which is attached hereto and incorporated herein as Attachment A; and

WHEREAS, the President and Board of Trustees have received the Findings of Fact and Recommendation of the Zoning Board of Appeals with respect to the application for the special use permit at the Subject Property; and

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

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

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

Section 2. Adoption of Findings of Fact and Recommendation. The Findings of Fact and Recommendation of the Zoning Board of Appeals attached hereto as Attachment A are adopted by the President and Board of Trustees and incorporated herein.

Section 3. Special Use Permit Granted. The application of the Petitioner for a special use permit in a MS Madison Street Zoning District to construct a multiple-family dwelling building at the Subject Property is granted, subject to the terms and conditions set forth in the Zoning Board of Appeals' Findings of Fact and Recommendation and this Ordinance.

Section 4. Special Use Permit Time Limits. The special use permit approved herein is subject to the time limits for the application for a building permit and commencement of construction set forth in Section 14.2(G)(2) of the Village Zoning Ordinance applicable to the application.

Section 5. 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 construction of the multiple-family dwelling building 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 approval granted herein shall be null and void.

Section 6. Sale or Transfer of Property Prior to the Issuance of Building Permit. If the Property is sold or transferred at any time prior to the issuance of a building permit for the multiple-family dwelling building approved herein, the new owner shall be obligated to reapply for the approval granted herein, which shall include the public hearing process set forth in the Village's Zoning Ordinance for said approval.

Section 7. Execution of Ordinance. As a condition of the special use permit granted herein, this Ordinance shall be executed by the Petitioner to signify its agreement to the terms hereof.

Section 8. Violation of Conditions. Any violation of (i) any term of condition set forth in this Ordinance or (ii) any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approval granted pursuant to this Ordinance.

Section 9. No Authorization of Work. This Ordinance does not authorize the commencement of any work on the 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 10. 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 11. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

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ADOPTED this 1st day of October, 2018, pursuant to a roll call vote at follows:

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

APPROVED this 1st day of October, 2018.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 1st day of October, 2018.

Vicki Scaman, Village Clerk

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

PETITIONER – AMBROSIA HOMES OF ILLINOIS LLC

By:
Its:

Date: _____, 2018