

## ORDINANCE

### **AN ORDINANCE GRANTING A MODIFICATION TO THE PLANNED DEVELOPMENT APPROVED PURSUANT TO ORDINANCE NUMBER 16-028 TO ALLOW AN INCREASE OF THE APPROVED HEIGHT ALLOWANCE FROM 135 FEET TO 140 FEET FOR THE BUILDING TO BE LOCATED AT 325-331 HARLEM AVENUE AND 100-107 SOUTH MAPLE AVENUE**

**WHEREAS**, on May 16, 2016, the Village Board adopted Ordinance Number 16-028 granting a special use permit for a major planned development to OP South Boulevard LLC ("Petitioner") for the property located at 325-331 Harlem Avenue and 100-107 South Maple Avenue ("Property"); and

**WHEREAS**, as part of said special use permit, the Petitioner was granted a height allowance to construct a 135 foot building at the Property; and

**WHEREAS**, pursuant to an application filed with the Village, attached hereto and incorporated herein as though fully set forth, the Petitioner seeks to increase the height allowance from 135 feet to 140 feet for the proposed building which requires a modification to the planned development approved pursuant to Ordinance Number 16-028; and

**WHEREAS**, said modification is required pursuant to Section 2.2.7(G)(1) of the Village's Zoning Ordinance after review by the Village Board; and

**WHEREAS**, the Village Board held a public hearing on December 5, 2016 on the requested modification and reviewed the same as part of the public hearing.

**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. Approval of a Modification to the Approved Planned Development.** The Petitioner's application for a modification of the approved planned development is granted pursuant to the application on file with the Village to allow an increase of the height allowance for the proposed building at the Property to be increased from 135 feet to 140 feet.

**Section 3. Ordinance Number 16-028 to Remain in Effect.** Except as otherwise provided in this Ordinance Number 16-055, Ordinance Number 16-028 and all other applicable Village regulations and ordinances, including the Village's Zoning Ordinance shall remain in full force and effect with regard to the Property.

**Section 4. 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 on the 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 4. Agreement to Terms of Ordinance.** This Ordinance shall be signed by an authorized officer of the Petitioner to signify its agreement to the terms hereof.

**Section 5. 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 6. 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 7. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 5<sup>th</sup> day of December, 2016, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Button Ott				
Trustee Lueck				
Trustee Salzman				
Trustee Tucker				

**APPROVED** this 5<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Anan Abu-Taleb, Village President

**ATTEST**

\_\_\_\_\_  
Teresa Powell, Village Clerk

Published in pamphlet form this 5<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Teresa Powell, Village Clerk

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

**PETITIONER**

\_\_\_\_\_

Dated: \_\_\_\_\_, 2016

By:

Its: