

## ORDINANCE

### **AN ORDINANCE GRANTING A VARIANCE FROM THE TRANSIT-RELATED RETAIL OVERLAY DISTRICT USE RESTRICTIONS TO OPERATE A TEMPORARY GENERAL OFFICE USE (THE EMERSON LEASING OFFICE) AT 1116 LAKE STREET**

**WHEREAS**, at its meeting of May 3, 2017, the Zoning Board of Appeals held a public hearing on the application of LMC Oak Park Holdings, LLC (“Petitioner”) for a variance to operate a temporary general office use, The Emerson Leasing Office, in a Transit-Related Retail Overlay District at the property commonly known as 1116 Lake Street, Oak Park, Illinois (“Subject Property”); and

**WHEREAS**, notice of the public hearing was duly published in the *Wednesday Journal* on April 12, 2017; and

**WHEREAS**, the Zoning Board of Appeals recommended that the variance be approved for the Subject Property by a vote of six (6) in favor and none (0) against; and

**WHEREAS**, the Zoning Board of Appeals adopted its written Findings and Recommendation on the application at its meeting of May 3, 2017, which is attached hereto and incorporated herein as Attachment A; and

**WHEREAS**, the President and Board of Trustees have received the Findings and Recommendation of the Zoning Board of Appeals with respect to the application for the variance at the Subject Property; and

**WHEREAS**, the President and Board of Trustees have determined that the granting of the variance is in the best interests of the Village subject to the terms and conditions set forth in the Findings and Recommendations 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. Variance Granted.** The application of the Petitioner for a variance from Section 3.9.3(F)(2)(e) of the Village of Oak Park Zoning Ordinance as set forth in the Zoning Board of Appeals’ Findings and Recommendation to operate a temporary general office use, The Emerson Leasing Office, in a Transit-Related Retail Overlay District at the Subject Property is approved, subject to the terms and conditions set forth in Attachment A and this Ordinance.

**Section 3. Execution of Ordinance.** As a condition of the variance granted herein, this Ordinance shall be executed by the Petitioner to signify its agreement to the terms hereof.

**Section 4. Violation of Conditions.** Any violation of any term or condition set forth in this Ordinance, or any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approvals granted pursuant to this Ordinance.

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

**ADOPTED** this 15<sup>th</sup> day of May, 2017, 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 15<sup>th</sup> day of May, 2017.

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

**ATTEST**

\_\_\_\_\_  
Vicki Scaman, Village Clerk

Published in pamphlet form this 15<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
Vicki Scaman, Village Clerk

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

**PETITIONER**

\_\_\_\_\_

Date: \_\_\_\_\_, 2017

By:

Its: