

## ORDINANCE

### **AN ORDINANCE AMENDING ARTICLE 2 (“DEFINITIONS AND RULES OF MEASUREMENT”), ARTICLE 8 (“USES”) AND ARTICLE 14 (“ZONING APPROVALS”) OF THE OAK PARK ZONING ORDINANCE REGARDING ADAPTIVE REUSE PERMIT REGULATIONS**

**WHEREAS**, on March 2, 2023 and June 1, 2023 the Village of Oak Park Plan Commission (“Plan Commission”) held a public hearing on the application of the Petitioner Village of Oak Park (“Applicant”), for a text amendment to Article 2 (“Definitions and Rules of Measurement”), Article 8 (“Uses”) and Article 14 (“Zoning Approvals”) of the Oak Park Zoning Ordinance by adding new definitions, modifying Table 8-1 with a new permitted land use and creating a new Section 14.10 (“Adaptive Reuse Permit”); and

**WHEREAS**, notice of the public hearing was published in the *Wednesday Journal* on February 15, 2023; and

**WHEREAS**, the Plan Commission recommended that the text amendments reflected in this Ordinance be approved by a vote of six (6) in favor and zero (0) against with two (2) abstentions upon the close of the public hearing held on June 1, 2023 as reflected in the minutes of the public hearing, incorporated herein by reference as though fully set forth; and

**WHEREAS**, the Plan Commission adopted its Findings of Fact and Recommendation on June 1, 2023, which is adopted by the President and Board of Trustees of the Village and incorporated herein as though fully set forth; and

**WHEREAS**, the President and Board of Trustees of the Village have considered the Plan Commission’s Findings of Fact and Recommendation and have determined that it is appropriate to adopt the text amendments as provided in this Ordinance.

**WHEREAS**, the Village Board finds that the application meets the standards for a Zoning Ordinance text amendment set forth in Section 14.1(E)2 (“Approval Standards for Text Amendments”), of the Village of Oak Park Zoning Ordinance and are approved; and

**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. Zoning Ordinance Amended.** Article 2 (“Definitions and Rules of Measurement”), Section 2.3 (“Definitions”) of the Oak Park Zoning Ordinance is amended by adding the following underlined language and deleting the stricken language to read as follows:

**ARTICLE 2. DEFINITIONS & RULES OF MEASUREMENT**

\* \* \* \*

**2.3 DEFINITIONS**

\* \* \* \*

Live Performance Venue, Limited. An indoor facility for the presentation of live performances; limited to musical concerts and theatrical plays. A limited live performance venue does not include any adult entertainment.

\* \* \* \*

Teaching and Learning Center. A facility used as a place for education beyond and outside of a classroom setting including, continuing education for adults (not including vocational or university education), high school and college entrance examination preparation, educational support for secondary and primary school aged children and after school programs.

\* \* \* \*

**Section 3. Zoning Ordinance Amended.** Article 8 (“Definitions and Rules of Measurement”), Table 8-1 (“Use Matrix”) of the Oak Park Zoning Ordinance is amended by adding the following underlined language to read as follows:

**ARTICLE 8. USES**

\* \* \* \*

TABLE 8-1: USE MATRIX																		
Use	R-1	R-2	R-3 -50 & -35	R-4	R-5	R-6	R-7	DT <sup>1</sup>	HS	GC	MS <sup>1</sup>	NA	NC <sup>1</sup>	RR <sup>1</sup>	OS	I	H	Use Standard § = Section
Office																		
Financial Institution								P	P	P	P	P	P	P				
Office								P	P	P	P	P	P	P		P	P	
Industrial Design								P	P	P	P	P	P	P				
Research and Development (R&D)										S	S	S					P	
Teaching and Learning Center										<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
Work Lounge								S										
Medical																		
Hospital																		P
Medical Marijuana Dispensary								P	P	P	P	P	P	P			P	State Statute 410 ILCS 130
Medical/Dental Clinic								P		P	P	P	P	S			P	
Outpatient Behavioral Health									S									
Physical Therapy Clinic									S									

\* \* \* \*

**Section 4. Zoning Ordinance Amended.** Article 14 (“Zoning Approvals”) of the Oak Park Zoning Ordinance is amended to add a new Section 14.10 (“Adaptive Reuse”) to read as follows:

#### **14.10 ADAPTIVE REUSE**

##### **A. Purpose**

This Ordinance is based upon the division of the Village into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without individual consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. An adaptive reuse permit is a type of special use which is intended to provide specific regulations allowing for the reuse of places of worship or nonresidential buildings in a residential district in a way that promotes public health, safety and welfare and will promote, preserve, and enhance the architectural character of the building and surrounding neighborhood.

##### **B. Initiation**

A property owner in the Village, or person expressly authorized in writing by the property owner, may file an application to use their land for one or more of the adaptive reuses authorized within this section of the Zoning Ordinance. A property owner may only propose an adaptive reuse for property under their control.

##### **C. Authority**

1. The Village Board, after receiving a recommendation from the Zoning Board of Appeals or Plan Commission, will take formal action on adaptive reuse applications.
2. The Zoning Board of Appeals is the primary hearing body for adaptive reuse applications. If the schedule of the Zoning Board of Appeals does not permit a timely hearing of the application, the Plan Commission may review the adaptive reuse application and conduct the public hearing, forwarding their recommendation to the Village Board. If such is the case, the role of the Zoning Board of Appeals described in this section is undertaken by the Plan Commission, including that of minor modifications of an approved adaptive reuse.

##### **D. General Requirements**

1. The existing structure is clearly nonresidential in its original construction. The applicable structure shall be a former place of worship or nonresidential standalone building. The adaptive reuse permit is not applicable to existing properties within business or commercial zoning classifications.

2. In addition to what is allowed in an underlying zoning district, an adaptive reuse permit application shall be limited to the following uses:
  - a. Art and Fitness Studio
  - b. Live Performance Venue, Limited
  - c. Residential (single family, two family, multiple family)
  - d. Social Lodge/Meeting Hall
  - e. Teaching and Learning Center
3. Off-street parking is required for each proposed use. Parking shall be calculated as required for each applicable use within this Ordinance.
4. The square footage of each residential dwelling unit shall be no less than the minimum dwelling unit size as regulated in the adopted Village building codes.
5. No addition(s) shall be allowed that would increase the number of dwelling units above and beyond what could be built within the existing structure.
6. Prior to any exterior alterations, Oak Park Landmarks and structures within a Historic Preservation district are subject to review by the Historic Preservation Commission or its Architectural Review Committee as described within the Oak Park Historic Preservation Ordinance. If located outside of a Historic Preservation district and not an Oak Park landmark, the Village's Architectural Design Consultant shall review.
7. The original exterior architecture, including decorative windows, shall be preserved to the maximum extent possible, unless exterior alterations are supported by the applicable reviewing body; Historic Preservation Commission/Architectural Review Committee or Village's Architectural Design Consultant.
8. Existing legal nonconforming structures as of the effective date of this Ordinance that currently do not meet the underlying zoning district's dimensional zoning regulations are exempt from such regulations for purposes of consideration of an adaptive reuse permit. Any new addition or modification shall meet the underlying zoning district's dimensional regulations.

**E. Procedure**

An application for a adaptive reuse permit must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals.

## **1. Action by the Zoning Board of Appeals**

- a. After receipt of a complete application, the Zoning Board of Appeals will consider the adaptive reuse application at a public hearing. If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Appeals may request additional information from the applicant and the public hearing may be continued.
- b. Within 60 days of the close of the public hearing, the Zoning Board of Appeals must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.
- c. The Zoning Board of Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Zoning Board of Appeals must recommend either approval, approval with conditions, or denial of the adaptive reuse.

## **2. Action by the Village Board**

- a. The Village Board must act on the adaptive reuse within 60 days of receipt of the Zoning Board of Appeals recommendation. The Village Board must approve, approve with conditions, or deny the adaptive reuse. In approving any adaptive reuse, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with any stipulated conditions. The Village Board may also refer the application back to the Zoning Board of Appeals for further consideration.
- b. If the Village Board does not act upon the application within 60 days of receipt of the Zoning Board of Appeals recommendation, the application is deemed denied unless the Village Board has granted additional consideration time.
- c. In the event the Zoning Board of Appeals recommends that an adaptive reuse permit be denied, it may only be approved by a favorable two-thirds vote of the Village Board.

## **3. Conditions on Adaptive Reuse Permits**

The Zoning Board of Appeals may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the adaptive reuse permit as may be deemed necessary for the protection of the public health, safety, and welfare.

### **F. Approval Standards**

The listing of a use as an adaptive reuse within a zoning district does not constitute an assurance or presumption that such adaptive reuse permit will be approved. Rather, each adaptive reuse permit must be evaluated on an individual basis, in relation to all applicable standards of this

Ordinance. Such evaluation will determine whether approval of the adaptive reuse permit is appropriate at the particular location and in the particular manner proposed. The recommendation of the Zoning Board of Appeals and decision of the Village Board must make findings to support each of the following conclusions:

1. The establishment, maintenance, and operation of the proposed adaptive reuse will not have a substantial or unduly adverse impact on the neighborhood or endanger the public health, safety, or welfare.
2. The proposed adaptive reuse is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The adaptive reuse in the specific location proposed is consistent with the spirit and intent of this Ordinance, adopted land use policies and the Comprehensive Plan.
4. The adaptive reuse meets the requirements for such classification in this Ordinance.

**G. Modifications to Approved Adaptive Reuse Permits**

**1. Administrative Modifications**

The Zoning Administrator may approve the following administrative modifications to an approved Adaptive Reuse Permit when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved adaptive reuse. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. No notice is required for an administrative modification.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, or structural safety.
- b. Interior modifications that do not increase the total floor area or building footprint.
- c. Changes in building design, including building materials that continue to meet the requirements of this Ordinance and any conditions of the approval.
- d. Any additions or enlargements to a structure where the floor area devoted to an adaptive reuse is less than 10%.
- e. A reduction in the amount of parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Ordinance and do not conflict with any condition of approval.

## **2. Minor Modifications**

The Zoning Board of Appeals may approve the following minor modifications to an approved Adaptive Reuse Permit when it is determined by the Zoning Board of Appeals that such changes are in substantial conformance with the approved adaptive reuse. If the schedule of the Zoning Board of Appeals does not permit a timely review of the application, the Plan Commission may review the minor modification.

- a. Any additions or enlargements to a structure where the area devoted to an adaptive reuse is increased by 10% up to a maximum of 20%.

## **3. Major Modifications**

The Village Board may approve any other changes to an approved Adaptive Reuse Permit that do not qualify as an administrative or minor modification. The Village Board may hold a public hearing and approve such major modifications. Alternately, the Village Board may refer the request to the Zoning Board of Appeals to hold a public hearing and make a recommendation. Upon receipt of the Zoning Board of Appeals recommendation, the Village Board will make a determination.

## **H. Expiration**

An adaptive reuse permit approval expires if any one of the following conditions occurs and no request for an extension of the adaptive reuse permit approval is pending.

1. When an approved adaptive reuse permit is changed to or replaced by another use.
2. For adaptive reuse permits of a former place of worship or nonresidential structure, the adaptive reuse permit approval expires within one year of the date of approval if a building permit or business license has not been issued.

**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.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**ADOPTED** this 31<sup>st</sup> day of July 2023, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

**APPROVED** this 31<sup>st</sup> day of July 2023.

\_\_\_\_\_  
Vicki Scaman, Village President

**ATTEST**

\_\_\_\_\_  
Christina M. Waters, Village Clerk

Published in pamphlet form this 31<sup>st</sup> day of July, 2023.

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Christina M. Waters, Village Clerk