

August 1, 2019

President and Board of Trustees
Village of Oak Park
123 Madison Street
Oak Park, Illinois 60302

**Re: Application of the Village of Oak Park for
Consideration of Miscellaneous
Amendments to the Village of Oak Park
Zoning Ordinance – PC 19-04**

Dear President and Board of Trustees:

In July of 2019, the Village of Oak Park (“Applicant”), submitted an application for consideration of miscellaneous amendments to the Village of Oak Park Zoning Ordinance (“Zoning Ordinance”) with the Plan Commission (“Commission”). The Applicant requested that the Commission consider the following six (6) amendments to the Zoning Ordinance, with additions underlined and deletions struck through (together the “Amendments”):

1. In Section 2.4(D)(1):

[...]

Any dormers that extend past the roofline cannot exceed the maximum building height permitted in the district, as measured from the adjacent average grade, or its equivalent, to the ~~top~~ midpoint of the dormer.

2. In Section 8.3, Table 8-1, add “Recreational Marijuana Establishment” as a permitted use (“P”) in the “Use” column in the “Retail” category in the DT-Downtown, HS-Harrison Street, GC-General Commercial, MS-Madison Street, NA-North Avenue,

NC-Neighborhood Commercial, and RR-Roosevelt Road Zoning Districts, and add a reference to “State Statute” in the “Use Standard” column.

3. In Section 9.4, Table 9-1, make the changes noted in Exhibit A attached hereto and made a part hereof.

4. In Section 10.5(B)(1):

Non-residential uses of 2,500 square feet or less of gross floor area of a standalone building or a non-residential portion of a mixed use building in the commercial districts are exempt from all off-street vehicle parking requirements. Non-residential uses of 2,500 square feet of gross floor area or less located within a multi-tenant retail center are not eligible for this exemption and must provide the required parking.

5. In Section 15.2(E):

If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of ~~one year~~ six (6) months, the nonconforming use is terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of God are not included in calculating the length of discontinuance for this section.

6. In Section 15.3(E)(1):

Non-residential and multiple family nonconforming structures are subject to the following:

[...]

Notice and Hearing.

On July 17, 2019, legal notice of the public hearing was published in *The Wednesday Journal*, a newspaper of general circulation within the Village of Oak Park.

Pursuant to legal notice, the Commission conducted a public hearing on the application on August 1, 2019, at which time and place a quorum of the members of the Commission was present.

Having heard and considered the testimony and evidence at the public hearing, the Commission makes the following findings of fact:

FINDINGS OF FACT

1. The Applicant is the Village of Oak Park.
2. The Applicant asked the Commission to consider whether it is appropriate to make the six (6) Amendments set forth above to the Zoning Ordinance.
3. The Zoning Ordinance was adopted in its current form in September of 2017, and has been amended several times since then.
4. The Applicant explained that since the Zoning Ordinance was adopted in September of 2017, Village staff has been presented with circumstances where the Zoning Ordinance has not adequately addressed certain issues, including some of the six (6) areas that are addressed in the Amendments.
5. The Commission heard testimony regarding the proposed Amendments, including that most of the Amendments are in the nature of “clean-up” changes to the Zoning Ordinance.
6. Additionally, the Applicant explained that changes to State law, such as regarding recreational marijuana establishments, require amendments to the Zoning Ordinance in order to implement the policies of the Village President and Board of Trustees.

Standards.

7. The following are standards for approval of text amendments in Subsection 14.1(E)(2) of the Zoning Ordinance:
 - a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.

b. The relative gain to the public, as compared to the hardship imposed upon the applicant.

c. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.

e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

f. The extent to which the proposed amendment creates nonconformities.

g. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

8. The Commission finds that the Amendments, as recommended below, satisfy the standards in Subsection 14.1(E)(2), and that approval of the requested Amendments is appropriate.

9. Specifically, the Commission finds that making the Amendments to the Zoning Ordinance will promote the public health, safety, and welfare, will make the regulations in the Zoning Ordinance more closely aligned with the intent of the Zoning Ordinance and Comprehensive Plan of the Village of Oak Park, and will further the land planning goals of the Village of Oak Park.

RECOMMENDATION

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, and based on the above findings, the testimony and the evidence presented at the public hearing, this Commission, sitting as a Zoning Commission, hereby recommends to the Village President and Board of Trustees that

the application be GRANTED, and that the Amendments be made to the Zoning Ordinance, as follows, with additions underlined in and deletions struck through:

1. In Section 2.4(D)(1):

[...]

~~Any dormers that extend past the roofline cannot exceed the maximum building height permitted in the district, as measured from the adjacent average grade, or its equivalent, to the top of the dormer.~~ The top of a dormer cannot be higher than the top of the roof.

2. In Section 8.3, Table 8-1, add “Recreational Marijuana Establishment” as a special use (“S”) in the “Use” column in the “Retail” category in the DT-Downtown, HS-Harrison Street, GC-General Commercial, MS-Madison Street, NA-North Avenue, NC-Neighborhood Commercial, and RR-Roosevelt Road Zoning Districts, and add a reference to “State Statute” in the “Use Standard” column.

3. In Section 9.4, Table 9-1, make the changes noted in Exhibit A.

4. In Section 10.5(B)(1):

Non-residential uses of 2,500 square feet or less of gross floor area of a standalone building or a non-residential portion of a mixed use building in the commercial districts are exempt from all off-street vehicle parking requirements. Non-residential uses of 2,500 square feet of gross floor area or less located within a multi-tenant retail center are not eligible for this exemption and must provide the required parking.

5. In Section 15.2(E):

If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of ~~one year~~ six (6) months, the nonconforming use is terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of God are not included in calculating the length of discontinuance for this section.

6. In Section 15.3(E)(1):

Non-residential and multiple family nonconforming structures are subject to the following:

a. In the event that any non-residential or multiple family nonconforming structure is damaged or destroyed by an act of God to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.

b. When a non-residential or multiple family nonconforming structure is damaged or destroyed by an act of God to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.

This report adopted by a __ to __ vote of the Plan Commission, sitting as a Zoning Commission, this 1st day of August, 2019.

EXHIBIT A

Table 9-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Ground Unit <i>Min. of 1' from interior or rear lot line</i>	N	N	Y	Y
Air Conditioner Window Unit <i>Max. projection of 18" from building wall No building permit required</i>	Y	Y	Y	Y
Arbor <i>No building permit required</i>	Y	Y	Y	Y
Awning or Sunshade (Residential Uses) <i>Max. of 18" into front, interior side, or corner side setback</i> <i>Max. of 5' into rear setback</i>	Y	Y	Y	Y
Balcony or Balustrade <i>Max. of 6' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Min. of 4' from any lot line</i> <i>Min. vertical clearance of 8'</i>	Y	Y	Y	Y
Bay Window <i>Max. of 5' into any setback</i> <i>Min. of 2' from any lot line</i>	Y	Y	Y	Y
Canopy: Building Entrance (Residential Uses) <i>Max. of 5' into any setback</i> <i>Max. 15' width or no more than 3' extension on either doorway side, whichever is less</i>	Y	Y	Y	Y
Chimney <i>Max. of 18" into setback</i>	Y	Y	Y	Y
Deck or Terrace <i>Max. of 5' into front, corner side, or interior side setback</i> <i>Max. of 8' into rear setback</i> <i>Prohibited in front yard</i> <i>Max. height of 5' above grade</i>	Y	Y	Y	Y
Dog House <i>Prohibited in front or corner side yard</i> <i>No building permit required</i>	N	N	N	Y
Eaves <i>Max. of 4' into setback</i>	Y	Y	Y	Y
Exterior Stairwell <i>Max. of 5' into rear or interior side setback</i> <i>Min. of 1' from rear or interior lot line</i> <i>Prohibited in front yard</i>	N	N	Y	Y
Fire Escapes and Window Wells <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Gazebo or Pergola <i>Min. of 1' from interior or rear lot line</i> <i>Prohibited in front yard</i>	N	N	Y	Y

Changes noted in red