

ORDINANCE

AN ORDINANCE AMENDING ARTICLE 2 (“DEFINITIONS AND RULES OF MEASUREMENT”), ARTICLE 9 (“SITE DEVELOPMENT STANDARDS”), ARTICLE 10 (“OFF STREET PARKING & LOADING”) AND ARTICLE 15 (“NONCONFORMITIES”) OF THE OAK PARK ZONING ORDINANCE

WHEREAS, on August 1, 2019 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 text amendments to Article 2 (“Definitions and Rules of Measurement”), Section 2.4 (“Rules of Measurement”), Subsection D1 (“Maximum Building Height”), Article 9 (“Site Development Standards”), Section 9.4 (“Permitted Encroachments”), Table 9-1 (“Permitted Encroachments into Required Setbacks”), Article 10 (“Off Street Parking & Loading”), Section 10.5 (“Parking Flexibilities, Exemptions and Reductions”), Subsection B1 (“Exemptions and Reductions from Parking Requirements”), and Article 15 (“Nonconformities”) Section 15.2 (“Nonconforming Uses”), Subsection E (“Discontinuation or Abandonment”), and Section 15.3 (“Nonconforming Structures”), Subsection E1 (“Damage or Destruction”) of the Oak Park Zoning Ordinance; and

WHEREAS, notice of the public hearing was published in the *Wednesday Journal* on July 17, 2019; and

WHEREAS, the Plan Commission recommended that the text amendment reflected in this Ordinance be granted by a vote of six (6) in favor and zero (0) against upon the close of the public hearing held on August 1, 2019, 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 August 1, 2019, 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.

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 2.4 (“Rules of Measurement”), Subsection D1 (“Maximum Building Height”) of the Oak Park Zoning Ordinance is amended to add the underlined language and delete the overstricken language to read as follows:

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

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2.4 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Ordinance.

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D. Building Height

1. Maximum Building Height

Maximum building height is measured as the vertical distance from the adjacent average grade, or equivalent, opposite the center of the front of a building to:

- a. The top of a flat roof, including structures designed with a decorative mansard roof concealing a flat roof.
- b. The deck line of a gambrel or mansard roof
- c. The midpoint height between the eaves and the ridge in the case of a pitched roof.

~~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.~~

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Section 3. Zoning Ordinance Amended. Article 9 (“Site Development Standards”), Section 9.4 (“Permitted Encroachments”), Table 9-1 (“Permitted Encroachments into Required Setbacks”) of the Oak Park Zoning Ordinance is amended to add the underlined language and delete the overstricken language to read as follows:

ARTICLE 9. SITE DEVELOPMENT STANDARDS

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9.4 PERMITTED ENCROACHMENTS

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 <u>Min. of 1' from interior or rear lot line</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>
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> <u>Min. of 2' from any lot line</u>	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> Prohibited in front yard <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> <u>Min. of 1' from rear or interior lot line</u> <i>Prohibited in front yard</i>	N	N	Y	Y
Fire Escapes <u>and Window Wells</u> <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Gazebo or Pergola <u>Min. of 1' from interior or rear lot line</u> <i>Prohibited in front yard</i>	N	N	Y	Y

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Section 4. Zoning Ordinance Amended. Article 10 ("Off Street Parking & Loading"), Section 10.5 ("Parking Flexibilities, Exemptions and Reductions"), Subsection B1 ("Exemptions and Reductions from Parking Requirements") of the Oak Park Zoning Ordinance is amended to add the underlined language to read as follows:

ARTICLE 10. OFF STREET PARKING & LOADING

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10.5 PARKING FLEXIBILITIES, EXEMPTIONS AND REDUCTIONS

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B. Exemptions and Reductions from Parking Requirements

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.

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Section 5. Zoning Ordinance Amended. Article 15 (“Nonconformities”) Section 15.2 (“Nonconforming Uses”), Subsection E (“Discontinuation or Abandonment”) and Section 15.3 (“Nonconforming Structures”), Subsection E1 (“Damage or Destruction”) of the Oak Park Zoning Ordinance are amended to add the underlined language and delete the overstricken language to read as follows:

ARTICLE 15. NONCONFORMITIES

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15.2 NONCONFORMING USES

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E. Discontinuation or Abandonment

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 is not included in calculating the length of discontinuance for this section.

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15.3 NONCONFORMING STRUCTURES

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E. Damage or Destruction

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.

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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.

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ADOPTED this 3rd day of September, 2019, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Buchanan				
Trustee Moroney				
Trustee Taglia				
Trustee Walker-Peddakotla				

APPROVED this 3rd day of September, 2019.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 3rd day of September, 2019.

Vicki Scaman, Village Clerk