



Village of Oak Park

STAFF REPORT

TO: Plan Commission

REVIEW DATE: August 1, 2019

FROM: Village Staff

PREPARED BY: Craig Failor, Village Planner

P R O J E C T T I T L E

PC 19-04: Zoning Ordinance Text Amendment – Minor changes to five (5) Articles of the Oak Park Zoning Ordinance relative to Article 2: Definitions and Rules of Measurement, Article 8: Uses, Article 9: Site Development Standards, Article 10: Off Street Parking & Loading and Article 15: Nonconformities.

A P P L I C A N T I N F O R M A T I O N

APPLICANT Village of Oak Park
 123 Madison Street
 Oak Park, IL 60302

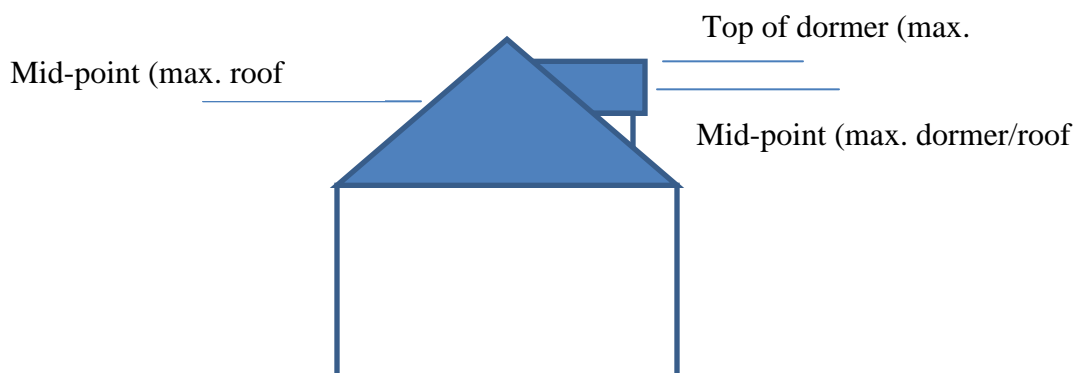
A n a l y s i s

Description

Through the course of day to day use of the Zoning Ordinance, staff, from time to time encounters language that can be modified to provide better clarity for the public and staff. In four of the five Articles, staff is proposing changes that are based on staff's practical use of the ordinance; these changes are to Articles 2, 9, 10 and 15. In Article 8, staff is recommending the inclusion of recreational marijuana retail establishments as a permitted use in all commercial and business districts. This inclusion is based on new legislation from the State of Illinois that allows the use and sale of Recreational Marijuana starting January 1, 2020. One of the two changes to Article 15 is based on a request from *The North Avenue District* organization who suggests that a one year reuse period for nonconforming uses is too long. Trustees Taglia and Tucker directed staff to review and submit their request to the Plan Commission for consideration. The Village Board of Trustees referred Zoning Ordinance text amendments at their June 17, 2019 meeting for Plan Commission consideration. The Plan Commission's recommendation for all the Zoning Ordinance text amendments will be forwarded to the Village Board for a final decision.

Z o n i n g O r d i n a n c e

1. **Article 2 (“Definitions and Rules of Measurement”)**, Section 2.4 (“Rules of Measurement”), Subsection D(1) (“Maximum Building Height”), replace the word “top” with “midpoint” regarding the maximum height measurement limit for dormers.



If the mid-point of the roof is at its maximum height, then the top (ridge) any dormer could not be higher than the mid-point of the roof. If the dormer height is measured at its mid-point, it would be closer to that of the building mid-point – depending on the size / location of the dormer. Is this the best way to measure the height of a dormer?

2. **Article 8 (“Uses”)**, Section 8.3 (“Use Restrictions”), Table 8-1 (“Use Matrix”), add “Recreational Marijuana Establishment” as a permitted use (“P”) in the “Use column for the DT-Downtown, HS – Harrison Street, GC-General Commercial, MS-Madison Street, NA-North Avenue, NC-Neighborhood Commercial, and RR-Roosevelt Road Zoning Districts with a reference to the State Statues for additional standards,

Even though this use may be listed in the Zoning Ordinance’s Uses table, it does not become effective until January 1, 2020 per State regulations. It is recommended that under the condition section of the table it be indicated that the use standard be that of the State Statue.

Article 8. Uses.

Section 8.3 (Use Restrictions), Table 8-1 (Use Matrix)

TABLE 8-1: USE MATRIX																		Use Standard § = Section
Use	R-1	R-2	R-3 -50 & -35	R-4	R-5	R-6	R-7	DT ¹	HS	GC	MS ¹	NA	NC ¹	RR ¹	OS	I	H	
	*	*		*			*			*					*			
Retail																		
Antique Store								P	P	P	P	P	P	P				
Art Gallery								P	P	P	P	P	P	P				
Auction House								S	P	P	S	P	P	P				
Brewpub								P	P	P	P	P	P	P				
Consignment Shop								P	P	P	P	P	P	P				
Craft Brew Lounge								S	S	S	P	S	S	P				
Design Studio with Retail								P	P	P	P	P	P	P			P	
Gas Station									S	S	S	S	S	S				§8.4.J
Greenhouse/Nursery										P		P						
Heavy Retail and Rental										S		S						

Outdoor Dining							P	P	P	P	P	P	P					§8.4.L
<i>Recreational Marijuana Establishment</i>							<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>					<i>State Statute</i>
Restaurant							P	P	P	P	P	P	P			P		
Retail Goods Establishment							P	P	P	P	P	P	P			P		
Secondhand Goods Dealer											S		S					
Specialty Food Service							S	S		P	S	S	P					
Vehicle Dealership – Fully Enclosed							P		P	P	P		P					§8.4.R
Vehicle Dealership – With Outdoor Storage and Display									S		S		S					§8.4.R

3. Article 9 (“Site Development Standards”), Subsection 9.4 (“Permitted Encroachments”), Table 9-1 (“Permitted Encroachments Into Required Setbacks”), adding “Air Conditioning Ground Units – Min. of one foot from interior and rear lot lines,” under “Bay Window” heading, adding “Min. of two feet from any lot line, under “Deck or Terrace” heading, remove “Prohibited in Front Yard,” under “Exterior Stairwell” heading, adding “Min. of one foot from rear and interior lot lines,” under “Gazebo or Pergola” heading, adding “Min. of one foot from interior and rear lot lines.”,

Air conditioning units – ground mounted: The current Zoning Ordinance (adopted September 2017) regulates ground mounted air conditioning units as detached accessory structures (Section 9.3 A.5) that are allowed to be located within the interior side or rear yard and shall be at least one (1) foot from a lot line. The prior Zoning Ordinance allowed AC units in the interior side and rear yard without a setback requirement at all. That is, as long as the AC unit was in the interior or rear yard, it could go next to the lot line without a setback. The proposed amendment is not changing the one (1) foot requirement but is adding ground mounted AC units to Table 9-1: (Permitted Encroachments into Required Setback) for clarity only. The one (1) foot distance to the lot line is consistent with Section 9.3 (A) (5) and does not reduce the existing requirement. It is staff’s opinion that locating requirements for AC units within a Table will be easier to find during a search for AC unit requirements.

Bay window: In some zoning districts, the side yard setback is only five (5) feet. Without the proposed two (2) foot setback restriction, a bay window could technically go all the way to the side property line as the regulations allow bay windows to project a maximum of five feet into any required setback.

Deck or terrace: Removing the prohibited in the front yard language as they are allowed to encroach 5 feet into this yard. This was a scrivener’s error.

Exterior stairwell: This change will maintain at least a one foot setback from side property lines consistent with current restrictions for accessory structures including coach houses.

Gazebo or pergola: This change will maintain at least a one foot setback from side property lines consistent with current restrictions for accessory structures

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
Greenhouse <i>Min. of 5' from any lot line</i> <i>Prohibited in front and corner side yard</i>	N	N	Y	Y
Personal Recreation Game Court <i>Prohibited in front and corner side yard</i> <i>Min. of 5' from any lot line</i>	N	N	N	Y
Playground Equipment <i>Prohibited in front and corner side yard</i> <i>Min. of 5' from any lot line</i>	N	N	N	Y
Porch - Unenclosed <i>Max. of 5' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Enclosed porches are considered part of the principal structure</i>	Y	Y	Y	Y

4. Article 10 (“Off Street Parking and Loading”), Subsection 10.5 (“Parking Flexibilities, Exemptions and Reductions) B (1)

(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.

This change is making it clear that any non-residential use 2,500 square feet or less, whether in a standalone or a mixed use building, is exempt.

5. Article 15 (“Nonconformities”)

Subsection 15.2 (“Nonconforming Use”) E.

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.

Both time periods can be found in various zoning ordinances. Village staff conferred with the zoning consultants who helped prepare our Zoning Ordinance revisions leading up to its adoption in 2017. They concurred that either scenario is appropriate based on a community’s desire. It was noted that less or more time would not necessary be considered best practices.

Subsection 15.3 (“Nonconforming Structures”), E (1)

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.

Multiple Family nonconforming structures were not identified in this nonconforming section of the Zoning Ordinance.

Recommendation

Staff supports all of the aforementioned Zoning Ordinance text amendment.

End of Report.

- c. Plan Commission
Greg Smith; Klein, Thorpe & Jenkins / Plan Commission Attorney
Tammie Grossman, Development Customer Services Director
Michael Bruce, Zoning Administrator

