



Agenda Item Summary

File #: MOT 20-058, **Version:** 1

Submitted By

Tammie Grossman, Development Customer Services Director

Reviewed By

LKS

Agenda Item Title

A Motion to Refer to the Plan Commission for Public Hearing and Recommendation a Text Amendment to the Oak Park Zoning Ordinance to Allow the Village Board, in addition to the Zoning Board of Appeals and Plan Commission, the Ability to Hold Public Hearings for Zoning-Related Applications

Overview

This request was proposed by the Village President at the September 8, 2020 Village Board meeting. The suggested text amendment will allow the Village Board the ability to hold public hearings when the Zoning Board of Appeals and/or Plan Commission are over-loaded with requests which has recently occurred during the pandemic.

Recommendation

Refer this matter to the Plan Commission for public hearing.

Fiscal Impact

N/A.

Background

The current Zoning Ordinance was re-adopted in 2017 following an extensive multiple-year review and public hearing process. It is common practice for municipalities to evaluate and/or amended Zoning Ordinances from time to time. The former Zoning Ordinance, which was re-adopted in 2002 had been amended multiple times between 2002 and 2017. The 2002 re-adopted Zoning Ordinance required that planned development applications be reviewed (at a study session) by the Village Board and then referred to a hearing body. The 2002 Ordinance stated that the Village Board can refer special use and special use-planned development applications to any appointed or elected commission or committee. In the 2017 Zoning Ordinance, the referral process was eliminated. The powers currently afforded to the Village Board of Trustees in the 2017 Zoning Ordinance include making final decisions on zoning amendments (map and ordinance) applications, final decisions on special use applications and final decisions on planned development applications (see Zoning Ordinance provision below).

In regard to zoning-related applications, the current Zoning Ordinance is very specific as to which hearing body hears which zoning-related application. The Zoning Board of Appeals has the full authority, as set by State Law, to hear and decide on zoning-related variations (i.e., side yard setback reduction or building height

increase). The Zoning Board of Appeals, after the hearing process makes the final decision to approve or deny the application. Whereas the Zoning Board of Appeals and Plan Commission make recommendations after a public hearing to the Village Board on the following mentioned applications. The Zoning Ordinance allows either the Zoning Board of Appeals or the Plan Commission to hear Special Use Applications (i.e., drive-through facility or day care center), while only the Plan Commission can hear Special Use - Planned Development Applications (e.g., a development over 20,000 square feet in size which includes a request for zoning relief). Other applications the Plan Commission is authorized to hear are Zoning Map Amendments (a.k.a. Rezoning) and Zoning Ordinance Text Amendments. Also, by State Law and the Village Code, (not in the Zoning Ordinance) the Plan Commission can hear land subdivision applications and right-of-way vacation applications.

In the current 2017 Zoning Ordinance Article 12. ORDINANCE ADMINISTRATORS, subsection 12.1 VILLAGE BOARD, it states the following provision:

12.1 VILLAGE BOARD

The Village Board has the following specific powers pursuant to this Ordinance:

- A. To make final decisions on zoning amendment applications.
- B. To make final decisions on special use applications.
- C. To make final decisions on planned development applications.

The recommended change would be to add the following:

- D. To hold public hearings on any of the aforementioned applications in this section.

For reference, the online Zoning Ordinance can be found here:

[<https://www.oak-park.us/sites/default/files/zoning/2019-09-27-oak_park_zoning_ordinance.pdf>](https://www.oak-park.us/sites/default/files/zoning/2019-09-27-oak_park_zoning_ordinance.pdf)

Alternatives

1. Do not refer this matter to the Plan Commission. Keep the Zoning Ordinance text as written.
2. Refer this matter to the Plan Commission with a modified request.

Previous Board Action

The Village Board provided direction to staff to prepare this referral request at their September 8, 2020 meeting.

Citizen Advisory Commission Action

N/A.

Anticipated Future Actions/Commitments

This item will return to the Village Board for consideration with a recommendation from the Plan Commission following the public hearing process.

Intergovernmental Cooperation Opportunities

Zoning and land use matters are unique to Village government within the corporate limits of Oak Park and

therefore, intergovernmental cooperation opportunities do not exist.