



TENTATIVE Agenda
President and Board of Trustees
Monday, July 31, 2006
Village Hall
123 Madison Street

Special Meeting at 7:00pm, Council Chambers

Call to Order

SECOND READING

A. Second Reading Authorizing a Temporary Moratorium on Approval of a Demolition Permits for Single-Family, Two Family and Three to Six Unit Multiple Family Residential Structures in the Village's R-6 and R-7 Multiple Family Zoning Districts For a Period of 120 Days Beginning August 1, 2006

As reviewed at the July 20, 2006 Study Session, the Village Board directed staff to review properties within the R6 and R7 district to evaluate if the areas should be re-zoned to more accurately reflect current land uses. Staff anticipates this study to be ready for Board review in October, at which time a Study Session will be scheduled with the Village Board to review the findings. A Second Reading and final adoption for this moratorium is scheduled for Monday July 31, 2006.

REGULAR AGENDA

B. Ordinance Establishing a Temporary Moratorium on Approval of a Demolition Permits for Single-Family, Two Family and Three to Six Unit Multiple Family Residential Structures in the Village's R-6 and R-7 Multiple Family Zoning Districts For a Period of 120 Days Beginning August 1, 2006

Adjourn to Study Session in Council Chambers
Immediately Following Special Meeting

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**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM
ON APPROVAL OF DEMOLITION PERMITS FOR SINGLE-FAMILY, TWO-
FAMILY AND THREE TO SIX UNIT MULTIPLE-FAMILY RESIDENTIAL
STRUCTURES IN THE VILLAGE'S R-6 AND R-7
MULTIPLE-FAMILY ZONING DISTRICTS**

WHEREAS, the Village of Oak Park is a Home Rule Unit pursuant to the Illinois Constitution of 1970; and

WHEREAS, the Village of Oak Park desires to preserve the character of the Village's residential neighborhoods whether the neighborhoods exist in single-family, two-family or multiple-family zoning districts; and

WHEREAS, as property values and the demand for land in the Village continue to increase, the Village has begun to experience the negative impacts of the tear down phenomena which have been experienced in other communities; and

WHEREAS, while there may be elements of the tear down phenomena that produce positive results for the community, such as community investment and an increased real estate tax base, the Village of Oak Park, with its commitment to values such as historic preservation, quality of life, preservation of unimpeded private open space, and racial and economic diversity, also recognized and continues to recognize that there are substantial and potentially overriding negative impacts on the Village associated with the tear down phenomena which must be addressed; and

WHEREAS, the preservation of existing housing stock reduces waste, encourages the use of existing materials, avoids additional strain on existing

infrastructure, reduces the need for landfill and encourages advantageous environmental consequences; and

WHEREAS, the tear down phenomena referred to hereinabove was first experienced in the Village in the form of the construction or remodeling of single-family and in some cases two-family residences to at or near the maximum allowable size under the zoning ordinance in neighborhoods characteristically containing substantially smaller homes; and

WHEREAS, the Village Board, in an effort to address the tear down issue first experienced in single-family and two-family zoning districts, adopted amendments to the Village Zoning Ordinance on September 19, 2002 that, among other things, limited lot coverage in the R3, R4 single-family and R5 two-family zoning districts to a percentage of lot size, limited lot coverage in the R1 and R2 single-family zoning district through the use of contextual zoning and limited the height of structures in the R1 through R4 single-family districts to thirty (30) feet; and

WHEREAS, the Village has more recently experienced the negative impacts of the teardown phenomena on less densely built residential neighborhoods located in its R-6 and R-7 multiple-family zoning districts where the potential exists to create islands of high density use in areas of predominantly lower density; and

WHEREAS, it has now become necessary for the Village to address the negative impacts of this phenomena in its multiple-family zoning districts in the same effective manner in which it addressed the problem with regard to its single-family and two-family zoning districts in September of 2002;

WHEREAS, it is the character of the residential neighborhoods containing a high percentage of single-family, two-family and smaller, three to six unit multiple-family dwellings which exist within the R-6 and R-7 multiple-family zoning districts that are in need of Village protection at this time; and

WHEREAS, the Village must now address the impact of the tear down phenomena in the multiple-family zoning districts in an effort to achieve a meaningful balance between the need to preserve the special community character and historic feel of Oak Park and the need for the continued upgrading and development of the Village's housing stock to meet community needs; and

WHEREAS, the best interests and welfare of the Village and its residents require that the Village invest the time and effort to study and understand the patterns and demands of the multiple-family, residential real estate market in the Village and to consider whether additional regulations are necessary or appropriate to manage the potential overdevelopment of these low density residential neighborhoods which presently exist in the R-6 and R-7 multiple-family zoning districts; and

WHEREAS, the development of new out-of-scale and incompatible multiple-family, residential structures within the low density residential neighborhoods, which remain in the R-6 and R-7 multiple-family zoning districts during the pendency of any such consideration, may change the character of these neighborhoods to the possible detriment of the Village and its residents destroying the neighborhood character and defeating the purpose of such legislation that may be proposed; and

WHEREAS, simultaneously with the passage of this ordinance, the Village will begin a study to determine what legislation, if any, should be passed to address the issues described herein; and

WHEREAS, in order to prevent a change in the character of the low density residential neighborhoods which remain in the R-6 and R-7 zoning districts, the Village President and Board of Trustees have determined that it is necessary and in the best interests of the Village and its residents to impose a moratorium on any application for the issuance of a demolition permit for any single-family , two-family or three to six unit multiple-family, residential dwellings in any R-6 or R-7 multiple-family zoning district within the Village and on any application for a building permit, certificate of occupancy, certificate of zoning compliance or permit authorizing any such construction for multiple-family residential structures containing seven or more dwelling units in any R-6 or R-7 multiple-family zoning districts within the Village, as more specifically set forth in this Ordinance in order to provide sufficient time for the Village to consider the possible adoption of additional regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS, acting pursuant to its Home Rule Powers granted under Article 7, Section 6, of the Illinois Constitution (1970), as follows:

Section 1. Recitals. The Village Board makes the foregoing facts, findings and determinations, which are hereby incorporated into and made a part of this Ordinance by this reference.

Section 2. Temporary Moratorium.

A. Establishment. Beginning on the effective date of this Ordinance, no demolition permit shall be approved or issued by the Village for single-family, two-family and/or three to six unit multiple-family, residential buildings in the Village's R-6 and R-7 multiple-family zoning districts and no building permit, certificate of occupancy, certificate of zoning compliance or permit authorizing any such construction shall be approved or issued for multiple-family, residential structures containing seven or more residential units in the Village's R-6 and R-7 multiple-family zoning districts (except as provided in Sections 2.C or 2.D or 2.F hereof) ("**Temporary Moratorium**").

B. Limited Time Period. The Temporary Moratorium, unless sooner extended or terminated by Ordinance duly adopted by the Village Board, shall remain in full force and effect for a limited period of one hundred and twenty (120) days from the effective date of this Ordinance.

C. Exception for Imminent Danger. Notwithstanding the limitations in Section 2.A of this Ordinance, a demolition permit in the Village's R-6 and R-7 multiple-family zoning districts shall be granted where the improvement for which demolition is sought is an imminent and substantial threat to the safety, health and welfare of persons or property.

D. Exemption of Pending Applications. Notwithstanding the limitations in Section 2.A of this Ordinance, the Temporary Moratorium shall not apply to any application for a demolition permit for any single-family, two-family or three to six unit multi-family, residential structure in the Village's R-6 or R-7

multiple-family zoning districts if, prior to the effective date of this Ordinance, the owner of a single-family, two-family or three to six unit multiple-family, residential structure in the Village's R-6 or R-7 multiple-family zoning districts has in good faith and without knowledge of the Village's consideration of the imposition of a moratorium or the possible adoption of amendments to the Village Zoning Ordinance related thereto, submitted to the Village a completed and executed application for a demolition permit for same (inclusive of all required fees and submittals).

Notwithstanding the limitations in Section 2.A of this Ordinance, the Temporary Moratorium shall not apply to any application for a building permit, certificate of occupancy, certificate of zoning compliance or permit authorizing any such construction for multiple-family, residential structures containing seven or more dwelling units in (or proposed to be in) the Village's R-6 or R-7 multiple-family zoning districts, if prior to the effective date of this ordinance, the owner of any such multiple-family residential structure containing seven or more dwelling units in (or proposed to be in) the Village's R-6 or R-7 multiple-family zoning districts, has in good faith and without knowledge of the Village's consideration of the imposition of a moratorium or the possible adoption of amendments to the Village Zoning Ordinance related thereto, submitted to the Village a completed and executed application for a building permit for same (inclusive of all required fees and submittals).

E. Conditional Processing of New Applications. Any application for a permit to demolish a single-family, multiple-family, residential structure in the Village's R-6 or R-7 multiple-family zoning districts or any application for a permit for the construction of a multiple-family residential structure containing seven or more dwelling units in the Village's R-6 or R-7 multiple-family zoning districts including any application for plan review, building permit, certificate of occupancy or certificate of zoning compliance or any application for a permit authorizing any such construction for same, affected by the Temporary Moratorium, may still be presented to the Village for consideration, and such applications will be processed conditionally during the pendency of the Temporary Moratorium, but no such application shall be finally approved: (i) until the expiration of the Temporary Moratorium, and (ii) unless the application complies with the applicable regulations in effect following the expiration of the Temporary Moratorium. Persons filing applications pursuant to this Section 2.E shall do so at their own risk, and no application filed pursuant to this Section 2.E shall be deemed to have created a vested interest in the zoning in effect on the date of application.

F. Exemption of Applications for Partial Demolition and for Construction. Notwithstanding Section 2.A, the Temporary Moratorium shall not apply to applications for partial demolition permits for single-family, two-family or three to six unit multiple-family residential structures in the Village's multiple-family R-6 and R-7 zoning districts when such partial demolition permits relate to any renovation or remodeling of any such residential structure provided that the renovation or remodeling will result in a building height which is no greater than

the existing building height and a building footprint which is no greater than the existing building footprint. For purposes of this Section, the term “building footprint” shall not include open porches and decks.

Notwithstanding Section 2.A, the Temporary Moratorium shall not apply to applications for building permits, certificates of occupancy, certificates of zoning compliance or permits authorizing any such construction for multiple-family, residential structures containing seven or more dwelling units when such permits relate to any renovation or remodeling of such existing residential structures in the Village’s R-6 or R-7 multiple-family zoning districts provided that the renovation or remodeling will result in a building height which is no greater than the existing building height and a building footprint which is no greater than the existing building footprint. For purposes of this Section, the term “building footprint” shall not include open porches and decks.

Section 3. Report to Village Board. The Village Manager and staff are hereby authorized and directed to consider revisions to the Zoning Ordinance of the Village of Oak Park regulating residential uses in the Village’s R-6 and R-7 multiple-family zoning districts and report their recommendations to the Village Board within sixty (60) days of the adoption of this Ordinance.

Section 4. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after the date of its passage, approval, and publication in pamphlet form.

ADOPTED this 31st day of July 2006 pursuant to a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED by me this 31st day of July 2006.

David G. Pope
Village President

ATTEST:

Sandra Sokol
Village Clerk

Published by me in pamphlet form this ____ day of _____, 2006.

Sandra Sokol
Village Clerk