



OAK PARK, ILLINOIS

DRAFT

ZONING ORDINANCE

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CLARION ASSOICATES
1700 BROADWAY, STE 400
DENVER, COLORADO 80290
(303) 830-2890
(303) 860-1809 (fax)



CONTENTS

ARTICLE 1. GENERAL PROVISIONS	1
1.1 Title.....	1
1.2 Intent And Purpose.....	1
1.3 Construction	2
1.4 Definitions.....	3
1.5 Interpretation	3
1.5.1 Application Of Provisions	3
1.5.2 Overlapping Or Contradictory Regulations.....	3
1.5.3 Private Agreements.....	3
1.6 Severability.....	3
1.7 Repeal Of Conflicting Ordinances.....	4
1.8 Publication And Effective Date	4
1.8.1 Publication	4
1.8.2 Effective Date.....	4
ARTICLE 2. ADMINISTRATION.....	1
2.1 Review And Decision-Making Bodies	1
2.1.1 General Provisions.....	1
2.1.2 Office Of The Village Manager.....	1
2.1.3 Plan Commission	2
2.1.4 Zoning Board Of Appeals	3
2.1.5 Village Board of Trustees	5
2.1.6 Community Design Commission.....	6
2.1.7 Historic Preservation Commission	6
2.2 Review And Approval Procedures.....	6
2.2.1 Certificates Of Zoning Compliance.....	6
2.2.2 Amendments To The Zoning Ordinance	7
2.2.3 Special Uses	9
2.2.4 Variations	11
2.2.5 Public Hearings	13
2.2.6 Appeals.....	14
2.2.7 Planned Development Procedures	14
ARTICLE 3. ZONE DISTRICTS/SPECIAL DISTRICT REGULATIONS.....	1
3.1 Use Summary Matrix.....	1
3.2 Table of Dimensional Requirements.....	7
3.3 District Boundaries And Boundary Lines.....	9
3.4 Use Districts	10
3.5 Single-Family District Regulations	11
3.5.1 R-1 Single-Family District:	11
3.5.2 R-2 Single Family District	12
3.5.3 R-3 Single-Family District	14
3.5.4 R-4 Single-Family District	16
3.6 Multiple-Family District Regulations.....	17
3.6.1 R-5 Two-Family District	17
3.6.2 R-6 Multiple-Family District	19
3.6.3 R-7 Multiple-Family District	21
3.7 Hospital District Regulations	22
3.8 Commercial District Regulations.....	23
3.8.1 B-1/B-2 General Business District Regulations.....	23
3.8.2 B-3 Central Business District Regulations	25
3.8.3 B-4 Downtown Business District Regulations	27

3.8.4	C Commercial District Regulations	29
3.9	Other Districts.....	31
3.9.1	Planned Development.....	31
3.9.2	Gateway Perimeter Overlay District (NEW).....	34
3.9.3	Historic Preservation District	37
ARTICLE 4. USE REGULATIONS		1
4.1	General Use Regulations	1
4.2	Uses Permitted In All Districts	2
4.3	Unlawful Uses.....	2
4.4	Special Uses	2
4.4.1	Purpose	2
4.4.2	Authorized Special Uses	3
4.5	Accessory Buildings Or Structures.....	11
4.5.1	Time Of Construction.....	11
4.5.2	Location	11
4.5.3	Bulk.....	11
4.5.4	Earth Station.....	11
4.6	Home Occupations.....	12
4.6.1	General.....	12
4.6.2	Examples Of Home Occupations Permitted.....	12
4.6.3	Prohibited Home Occupations	13
4.6.4	Standards For Home Occupations	13
4.6.5	Penalty.....	15
4.7	Permitted Building And Structures In Yards.....	15
4.7.1	Permitted In Front Yards.....	16
4.7.2	Permitted In Rear Yards.....	17
4.7.3	Permitted In Side Yards	18
ARTICLE 5. NONCONFORMING USES, LOTS, STRUCTURES		1
5.1	Statement Of Purpose	1
5.2	Organization Of This Article.....	1
5.3	Nonconforming Structures.....	1
5.3.1	Authority To Continue Non-Conforming Buildings, Structures And Uses	1
5.3.2	Non-Conforming Buildings And Structures And Use Thereof	2
5.3.3	Repairs And Alterations	2
5.3.4	Additions And Enlargements.....	2
5.3.5	Moving	3
5.3.6	Restoration Of Damaged Non-Conforming Building Or Structure.....	3
5.3.7	Discontinuance Of Non-Conforming Use Of Nonconforming Building Or Structure	3
5.3.8	Expansion Of Non-Conforming Use In Non-Conforming Building	3
5.3.9	Change Of Non-Conforming Use In Non-Conforming Building.....	3
5.3.10	Condemnation Of Non-Conforming Building Or Structures	4
5.4	Non-Conforming Use In Conforming Building.....	4
5.4.1	Expansion Of Non-Conforming Use In Conforming Building.....	4
5.4.2	Discontinuance Of Non-Conforming Use In Conforming Building	5
5.4.3	Change Of Non-Conforming Use In Conforming Building	5
5.5	Non-Conforming Use Of Land	5
5.5.1	Expansion Of Non-Conforming Use Of Land.....	5
5.5.2	Discontinuance Of Non-Conforming Use Of Land	5
5.5.3	Change Of Non-Conforming Use Of Land	5
5.5.4	Elimination Of Non-Conforming Use Of Land.....	5
ARTICLE 6. GENERAL DEVELOPMENT STANDARDS.....		1
6.1	Number Of Residential Buildings On A Zoning Lot	1

6.2	Off-Street Parking And Loading (Revised)	1
6.2.1	Standards For Off-Street Parking Spaces	1
6.2.2	Off-Street Parking Spaces Required Or Permitted As An Accessory Use	3
6.2.3	Parking Credits (NEW)	8
6.2.4	Alternative Access and Parking Plans (NEW)	9
6.2.5	Standards For Off-Street Loading Berths	9
6.2.6	Off-Street Loading Berths: When Required	10
6.2.7	Number Of Required Off-Street Loading Berths	10
6.3	Off-Street Parking Lots As Special Uses	10
6.4	Landscaping and Buffering (NEW)	11
6.4.1	General	11
6.4.2	Site Landscaping	12
6.4.3	Parking Lot Perimeter Landscaping	13
6.4.4	Parking Lot Interior Landscaping	14
6.4.5	Landscape Materials, Quality, and Maintenance	15
6.5	Tree Conservation (NEW)	17
6.5.1	Intent	17
6.5.2	Applicability	17
6.5.3	Preservation of Significant Trees	17
6.5.4	Tree Survey/Plan Requirement	17
6.5.5	Tree Replacement/Mitigation	17
6.5.6	Landscape Credit	18
6.5.7	Construction Protection	18
6.6	Refuse Collection/Recycling Area Screening (NEW)	19
6.6.1	Applicability	19
6.6.2	Design	19
6.6.3	Screening Specifications	19
6.7	Mechanical Equipment Screening (NEW)	19
6.7.1	Applicability	19
6.7.2	Screening Standards	20
6.8	Alternative Compliance (NEW)	20
6.9	Building Development Standards (NEW)	20
6.9.1	General	20
6.9.2	Building Facades	21
6.9.3	Building/Street Relationship	22
6.10	Residential Protection Standards (NEW)	23
ARTICLE 7. MEASUREMENTS		1
7.1	Table of Dimensional Requirements	1
7.2	Measurements and Exceptions	3
7.2.1	Measurement of Yards	3
7.2.2	Determination Of Front Lot Lines For Corner Lots	3
7.2.3	Measurement of Height	3
ARTICLE 8. ENFORCEMENT AND PENALTIES		1
8.1	Violation And Penalty	1
ARTICLE 9. DEFINITIONS		1
9.1	Accessory Building or Structure:	1
9.2	Accessory Use:	1
9.3	Accessory Use Tour House:	1
9.4	Adult Day Care Facility:	1
9.5	Adult Use:	1
9.6	Alley:	2
9.7	Apartment:	2

9.8	Assembly and Packing Plants:	2
9.9	Assisted Care:	2
9.10	Auction House:	2
9.11	Auto and Public Vehicle Storage:.....	2
9.12	Auto Service and Fueling Station:	2
9.13	Auto/Truck/Boat/and Mobile Home Rental, Sales and Repair Shop:.....	2
9.14	Average Adjacent Front Setback:	3
9.15	Average Front Setback:	3
9.16	Average Non-Adjacent Front Setback:	3
9.17	Bakery, Wholesale:.....	3
9.18	Banquet/Exhibition/Meeting Hall, Public and Private:	3
9.19	Basement:.....	3
9.20	Beauty Supply Store:.....	3
9.21	Bed and Breakfast Home Occupation:	3
9.22	Boarding House:	4
9.23	Building:	4
9.24	Building, Principal:.....	4
9.25	Bus Passenger Station:	4
9.26	Canopy:.....	4
9.27	Car Wash:	4
9.28	Catering Service:.....	4
9.29	Cellar:.....	4
9.30	Church/Temple:	4
9.31	Cleaning and Dying Plant:.....	5
9.32	Clinic, medical and dental:.....	5
9.33	Club, Private:	5
9.34	Commercial Broadcasting Facility:	5
9.35	Commercial Use:.....	5
9.36	Community Building:	5
9.37	Contractor's Maintenance Yard:.....	5
9.38	Currency Exchange:	6
9.39	Day Care Center:	6
9.40	Day Care Home:	6
9.41	Development:	6
9.42	District:	6
9.43	Dry Cleaning Store:.....	6
9.44	Dry Cleaning or Laundry Receiving Store:.....	6
9.45	Dwelling, Multiple-Family:	6
9.46	Dwelling, Multiple-Family, Senior Citizen:.....	7
9.47	Dwelling, Single— Family Detached:.....	7
9.48	Dwelling Single-Family Attached:.....	7
9.49	Dwelling, Two-Family:	7
9.50	Dwelling Unit:.....	7
9.51	Earth Station:	7
9.52	Educational or Instructional Institution:	7
9.53	Employment Agency:.....	7
9.54	Enclosed Porch or Terrace:	7
9.55	Equipment Rental:.....	7
9.56	Exterminating and Fumigating Establishment:	8
9.57	Family:	8
9.58	Family Residential-Care Home:.....	8
9.59	Filling Station:.....	8
9.60	Financial Institution:.....	8
9.61	Floor Area (for determining floor area ratio):.....	8
9.62	Floor Area:.....	9
9.63	Floor Area Ratio (F.A.R.):	9

9.64	Food Storage Locker:	9
9.65	Foster Home:	9
9.66	Frontage:	9
9.67	Furnace/Heating Shop:	9
9.68	Garage Parking:	10
9.69	Garage, Private:.....	10
9.70	General Office:.....	10
9.71	Government Owned and Operated Services:	10
9.72	Grade:.....	10
9.73	Group Quarters:	10
9.74	Group Residential-Care Home:	11
9.75	Guest Unit:	11
9.76	Helicopter Landing Station (Helipad):	11
9.77	Home Improvement/Building Materials Center:.....	11
9.78	Home Occupations:	11
9.79	Hospital:.....	11
9.80	Hotel:.....	11
9.81	House Museum:	12
9.82	House Tour:.....	12
9.83	Incinerator, Public:	12
9.84	Institution:.....	12
9.85	Institutional Use:.....	12
9.86	Interior Decorating Studio:.....	12
9.87	Laundromat or Launderette:.....	12
9.88	Laundry, Diaper, Linen and Towel Service Establishment:	13
9.89	Library, Public:	13
9.90	Light Distributing Operation:.....	13
9.91	Loan Company:	13
9.92	Long-term Care Facility:	13
9.93	Lot:	13
9.94	Lot, Corner:.....	13
9.95	Lot of Record:.....	13
9.96	Lot, Reversed Frontage Corner:	14
9.97	Lot, Through:.....	14
9.98	Lot, Zoning:	14
9.99	Lot Line:	14
9.100	Lot Line, Exterior Side:	14
9.101	Lot Line, Front:.....	14
9.102	Lot Line, Rear:.....	14
9.103	Lot Line, Side:	14
9.104	Maximum Extent Feasible:	14
9.105	Maximum Extent Practicable:	15
9.106	Medical and Orthopedic Appliance Store:.....	15
9.107	Mortuary/Funeral Home:	15
9.108	Museum:	15
9.109	Non-Conforming Building or Structure:	15
9.110	Non-Conforming Use:	15
9.111	Nursery/Greenhouse/Garden Shop/Plant Sales:	15
9.112	Nursing Home:.....	16
9.113	Nursing School:.....	16
9.114	Opaque Fencing	16
9.115	Open Porch or Terrace:	16
9.116	Parish House/Convent/Rectory:.....	16
9.117	Parking Garage:	16
9.118	Parking Lot:	16
9.119	Parking Space:.....	16

9.120	Pawn Shop:	16
9.121	Personal Services:	17
9.122	Planned Development:	17
9.123	Post Office:	17
9.124	Print Shop:	17
9.125	Radio Tower:	17
9.126	Radio/Television Transmitting and Receiving Device:	17
9.127	Recreational Vehicles (including boats):	17
9.128	Religious Reading Room:	18
9.129	Research or Testing Laboratories:	18
9.130	Residential-Care Home:	18
9.131	Restaurant:	18
9.132	Retail Business Shops:	19
9.133	Rooming House:	19
9.134	Sanitarium:	19
9.135	School:	19
9.136	School Housing Facility:	19
9.137	Secondhand Shop	19
9.138	School, elementary:	19
9.139	School, high school:	19
9.140	Sheet Metal Shops:	20
9.141	Sheltered-care Home:	20
9.142	Showroom:	20
9.143	Shrub:	20
9.144	Significant Tree:	20
9.145	Street:	20
9.146	Street Line:	20
9.147	Structural Alteration:	20
9.148	Structures:	20
9.149	Studio (Artist, Photography, Recording)	21
9.150	Swimming Pool Sales and Service:	21
9.151	Taxidermist:	21
9.152	Theater:	21
9.153	Tour:	21
9.154	Upholstery Shop:	21
9.155	Utility, Major:	21
9.156	Utility, Minor:	21
9.157	Vending Machine:	22
9.158	Village Manager:	22
9.159	Warehouse:	22
9.160	Welding:	22
9.161	Yard:	22
9.162	Yard, Exterior Side:	22
9.163	Yard, Front:	22
9.164	Yard, Rear:	22
9.165	Yard, Side:	23

ARTICLE 1. GENERAL PROVISIONS

1.1 TITLE

This Zoning Ordinance, including the Zoning Map attached hereto and made a part hereof, shall be known and may be cited and referred to as "The Oak Park Zoning Ordinance" (hereinafter referred to as the "Zoning Ordinance").

1.2 INTENT AND PURPOSE

Pursuant to the authority contained in Article VII of the Illinois Constitution of 1970 and in the Illinois Revised Statutes, this Zoning Ordinance is adopted for the following purposes:

- A.** To promote the public health, safety, morals, comfort and general welfare of the citizens of the Village;
- B.** To conserve the values of property throughout the Village and to protect the character and stability of the residential, business and industrial areas;
- C.** To promote orderly and beneficial development that supports the goals and objectives of the Comprehensive Plan for the development of the Village;
- D.** To provide adequate light, pure air, privacy and convenience of access to property;
- E.** To lessen or avoid congestion in the public streets and highways in the Village;
- F.** To classify, regulate and restrict the location and use of buildings, structures, and land for trade, industrial, residential and other uses, and to regulate and restrict the intensity of such uses;
- G.** To divide the Village into districts of such number, shape, area and of such different classes, according to the use of land and buildings, the height and bulk of buildings, the intensity of uses and the area of open space, as may be deemed best suited to carry out the purposes of the Zoning Ordinance;
- H.** To prohibit locations and uses of buildings or structures and uses of land that are incompatible with the type of development planned for specified districts in the Village;
- I.** To prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder;
- J.** To protect against fire, explosion, noxious fumes and other dangers;

- K.** To fix reasonable standards to which buildings and structures shall conform;
- L.** To provide for the gradual elimination of nonconforming uses in the districts in which they are "located;
- M.** To define and limit the powers and duties of administrative officers and bodies as provided herein; and
- N.** To prescribe penalties for the violation of and methods for the enforcement of the provisions of this Zoning Ordinance or any amendment thereto.

1.3 CONSTRUCTION

In the construction of this Zoning Ordinance, the provisions and rules of this entire Zoning Code shall be observed and applied, except when the context clearly requires otherwise.

- A.** The particular shall control the general.
- B.** Words used in the present tense shall include the future tense.
- C.** Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- D.** The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "Occupied for".
- E.** The word "shall" shall be mandatory, not directory.
- F.** The word "may" shall be permissive.
- G.** The word "Village" shall mean the Village of Oak Park, Illinois.
- H.** The phrase "President and Board of Trustees" mean the President and the Board of Trustees of the Village.
- I.** Unless otherwise specified, the word "Board" shall mean the Zoning Board of Appeals.
- J.** Unless otherwise specified, all distances shall be measured horizontally.

In case of any difference of meaning or implication between the text and any caption in this Zoning Ordinance, the text shall control.

1.4 DEFINITIONS

Unless the context clearly indicates the contrary, any word or phrase that is defined in Article 9 or elsewhere in this Zoning Ordinance shall have the meaning as so defined wherever the word or phrase is used in this Zoning Ordinance.

1.5 INTERPRETATION

1.5.1 Application Of Provisions

In their interpretation and application, the provisions of this Zoning Ordinance shall be deemed to be the minimum regulations to promote and protect the public health, safety, convenience, prosperity, morals and general welfare.

1.5.2 Overlapping Or Contradictory Regulations

Where the regulations imposed by any provisions of this Zoning Ordinance upon the use of buildings, structures or land are either more restrictive or less restrictive than comparable regulations imposed by any other provisions of this Zoning Ordinance or of any other law/ordinance, resolution, rule or regulation of any-kind, that provision which is more restrictive or imposes a higher standard or requirement shall govern.

1.5.3 Private Agreements

This Zoning Ordinance shall not abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this Zoning Ordinance are more restrictive or impose a higher standard or requirement than such easement, covenant or other private agreement or legal relationship, the regulations of this Zoning Ordinance shall govern.

1.6 SEVERABILITY

It is hereby declared to be the intention of the President and Board of Trustees that the several provisions of this Zoning Ordinance are separate, in accordance with the following:

- A.** If any court of competent jurisdiction shall adjudge any provision of this Zoning Ordinance to be invalid, such adjudication shall not affect any other provision of this Zoning Ordinance not specifically included in said adjudication.
- B.** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Zoning Ordinance to a particular parcel of land or a particular building or structure ' said adjudication shall not affect the

application of said provision to any other parcel of land or building or structure not specifically included in said adjudication.

1.7 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this Zoning Ordinance are, to the extent of such conflict, hereby repealed and shall have no future application. Notwithstanding the foregoing, any violation of such repealed ordinances or parts of ordinances that occurred prior to the effective date of this Zoning Ordinance may be prosecuted in the manner permitted by law. Notwithstanding the foregoing, this Zoning Ordinance shall not affect special-use permits, including Planned Developments, in effect at the time of the adoption of this Ordinance; all properties currently subject to a special-use permit shall continue to be governed by the terms and conditions of the applicable permit.

1.8 PUBLICATION AND EFFECTIVE DATE

1.8.1 Publication

By authority of the President and Board of Trustees, this Zoning Ordinance shall be published in pamphlet form and copies thereof shall be available at the office of the Village Clerk.

1.8.2 Effective Date

This Zoning Ordinance shall be in full force and effect from and after the date of its passage, approval and publication in the manner provided by law.

ARTICLE 2. ADMINISTRATION

2.1 REVIEW AND DECISION-MAKING BODIES

2.1.1 General Provisions

The administration of this Zoning Ordinance is hereby vested in the following offices of the Village:

- A. The Village Manager or His/Her Designee**
- B. The Plan Commission**
- C. The Zoning Board of Appeals**
- D. The Village Board**
- E. Community Design Commission**
- F. Historic Preservation Commission**
- G. Other Entities as Designated**

2.1.2 Office Of The Village Manager

A. Duties Of The Village Manager or His/Her Designee

The Village Manager ~~or his duly appointed designee~~ shall administer and enforce this Zoning Ordinance, including the following:

- 1.** Receive and process applications for Certificates of Zoning Compliance for buildings, structures or additions thereto for which building permits are required.
- 2.** Receive and process applications for Certificates of Zoning Compliance made apart from an application for a building permit.
- 3.** Conduct inspections of buildings, structures, and uses of land to determine compliance with this Zoning Ordinance, and, in the case of any violation, to notify in writing the person or persons responsible, specifying the nature of the violation or ordering corrective action. No person shall refuse to grant the Village Manager access, at reasonable hours pursuant to notice, for the purpose of inspecting any building or structure.
- 4.** Receive written complaints from any person alleging with particularity a violation of this Zoning Ordinance. The Village

Manager shall record such complaint, investigate it and take such action as is necessary.

5. Maintain in current status the Official Zoning Map.
6. Maintain permanent and current records required by this Zoning Ordinance, including but not limited to Certificates of Zoning Compliance, inspections, and all official actions on appeals, variations, amendments and special uses.
7. **Review and approve PUD applications.**
8. Approve plans and submittals as specified in this Zoning Ordinance.
9. Interpret provisions of this Zoning Ordinance.
10. Provide advice and assistance to the Village Board and Plan Commission as set forth in this Zoning Ordinance.
11. Prepare and submit an annual report to the Plan Commission on the administration of this Zoning Ordinance, setting forth such statistical data and information as may be of interest and value in advancing and furthering the purpose of this Zoning Ordinance.

2.1.3 Plan Commission

A. Creation And Membership

A Plan Commission is hereby authorized to be established. The commission, consisting of a Chairperson and 8 members, shall be appointed by the President with the consent of the Trustees on the basis of each person's qualifications for said duty. The Chairperson and members of said Plan Commission shall serve until the expiration of their current terms, until their respective successors have been duly or appointed and qualified, and each respective successor so appointed shall serve for a term of 3 years or until his successor has been duly appointed and qualified. Vacancies upon the Commission shall be filled by appointment for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such member. The members of the commission shall serve without compensation. The members of the Commission shall elect an Acting Chairperson from among its members to act whenever the Chairperson is absent.

B. Jurisdiction

In addition to the powers and duties of the Plan Commission provided for in The Code of the Village of Oak Park, the Plan Commission shall have the

jurisdiction and authority to conduct a public hearing and recommend action to the President and Board of Trustees on:

1. **Applications for special uses, including planned developments.**
2. **Amendments to the text or map of this Zoning Ordinance.**
3. **Planned developments, if requested by the Board of Trustees.**
4. **Other matters referred to it by the President and Board of Trustees.**

C. Meetings And Rules

All meetings of the Plan Commission shall be held at the call of the Chairperson. Every rule, regulation and recommendation of the Commission shall be filed with the Secretary of the Plan Commission and shall be a public record. The Commission may adopt its own rules of procedure not in conflict with this Zoning Ordinance or applicable Illinois statutes, and may select or appoint such officers of the committee, as it deems necessary.

D. Plan Commission Staff

The Village Manager shall appoint as Secretary an employee of the Village who has had experience in zoning matters and record keeping who shall serve as Secretary until a successor is appointed. He/she shall:

1. Cause a record to be made of the Commission's proceedings and actions showing the vote of each member upon each questions, or if absent or failing to vote, that fact.
2. Act as custodian of the records of the Commission.
3. Furnish to and receive from the public such applications for special uses and amendments as are approved by the Commission.
4. Perform such duties as may be assigned from time to time by the Commission.

2.1.4 Zoning Board Of Appeals

A. Creation And Membership

The Zoning Board of Appeals is hereby authorized to be established. The Board, consisting of a Chairperson and 6 members, shall be appointed by the President of the Village with the consent of the Board of Trustees. The Board shall elect from its members an Acting Chairperson to act whenever the Chairperson is absent. The Chairperson and members of said Zoning

Board of Appeals shall serve until the expiration of their current terms, or until their respective successors have been duly appointed and qualified, and each respective successor so appointed shall serve for a term of 5 years, or until his successor has been duly appointed and qualified. Vacancies upon the Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such member. The members of the Board shall serve without compensation.

B. Jurisdiction

The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority and it shall be its duty:

1. To hear and decide appeals in which it is alleged that there is error in any order, requirement, decision, interpretation or determination (hereinafter referred to collectively as "decision") made by the Zoning Office, in the manner set forth in Section 2.2.6.
2. To hear and decide on applications for variations from the regulations and restrictions imposed by this Zoning Ordinance, in the manner and subject to the standards set forth in Section 2.2.4.
3. To hear and make recommendations to the President and Board of Trustees on such matters as may be referred to it by the President and Board of Trustees, including applications for amendments to the text or map of this Zoning Ordinance and for special uses, except those special uses authorized under Section 4.3 and Sections 2.2.7 and 3.8.1, subject to the provisions of this Zoning Ordinance.
4. To hear and decide all other matters upon which it is authorized or required to pass under this Zoning Ordinance or applicable Illinois statutes.

C. Meetings And Rules

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Board may determine. Every rule or regulation, every amendment or repeal thereof, and every decision of the Board shall be filed with the Secretary of the Zoning Board of Appeals and shall be a public record. The Board shall adopt and publish its own rules of procedure not in conflict with this Zoning Ordinance or applicable Illinois statutes, and may select or appoint such officers of committees, as it deems necessary.

D. Finality Of Decisions Of The Zoning Board Of Appeals

All decisions of the Zoning Board of Appeals, on appeal or upon application for a variation shall, in all instances, be final administrative determinations

and shall be subject to review by a court in the manner provided by applicable Illinois statutes.

E. Appointment And Duties Of The Secretary Of The Zoning Board Of Appeals

The Village Manager shall appoint as Secretary of the Board an employee of the Village who has had experience in zoning matters and record keeping who shall serve as secretary until a successor is appointed. He/she shall:

1. Cause a record to be made of the Board's proceedings and actions, showing the vote of each member upon each question, or if absent or failing to vote, that fact.
2. Act as custodian of the records of the Board.
3. Furnish to and receive from the public such forms for appeals and applications for variations as are approved by the Board
4. Perform such duties as may be assigned from time to time by the Board.

2.1.5 Village Board of Trustees

The primary responsibilities of the Village Board of Trustees, also referred to herein as the Board of Trustees, include, but are not limited to the following:

- A. Review and approve **rezoning**, special use permit, and planned development **applications.** ~~and rezoning applications~~ (Sections 2.2.2, 2.2.3, and 2.2.7);
- B. Establish application fees for development applications;
- C. Hear appeals regarding planned development applications, pursuant to Section 2.2.7.E.9;
- D. Review and approve amendments to the Official Zoning Map and Code, pursuant to Sections 2.2.7.E.2 and 2.2.2;
- E. Authorize reductions in the number of required off-street parking spaces, pursuant to Section 6.2.3;
- F. Authorize alternatives to full compliance with landscaping and screening standards, pursuant to Section 6.4.8; and
- G. Authorize the vacation of any alley or public right-of-way.

2.1.6 Community Design Commission

The primary responsibility of the Community Design Commission shall be to administer the Village of Oak Park Sign Ordinance. Its functions shall include, but not necessarily be limited to those outlined in Section 7.2.1 of the Village of Oak Park Sign Ordinance. In addition, the Commission may be called upon to testify or provide written recommendations in proceedings involving requests for a rezoning, variance, or special use permit, or provide advice in the application of Article 6 General Development Standards.

2.1.7 Historic Preservation Commission

The primary responsibility of the Historic Preservation Commission shall be to administer the Village of Oak Park's Architectural Review Guidelines. In addition, the Commission may be called upon to testify or provide written recommendations in proceedings involving requests for a rezoning, variance, or special use permit, or provide advice in the application of Article 6 General Development Standards.

2.2 REVIEW AND APPROVAL PROCEDURES

2.2.1 Certificates Of Zoning Compliance

- A.** No building permit pertaining to the construction or structural alteration of buildings and structures shall be issued by an employee of the Village unless the application for such permit has been examined by the Village Manager or his duly appointed and acting assistant, and he has affixed to it or stamped thereon a certificate that the proposed building or structure complies with all the provisions of this Zoning Ordinance. If the Village Manager shall refuse said certificate he shall advise the applicant in writing of the reasons for the refusal. Any building permit or Certificate of Zoning Compliance issued in conflict with the provisions of this Zoning Ordinance shall be null and void.
- B.** Every application for a building permit shall be deemed to be an application for a Certificate of Zoning Compliance and shall have affixed to it the Certificate of a registered architect or registered structural or professional engineer licensed by the State of Illinois, or of the owner-designer, that the proposed construction or structural alteration and the proposed use of the building or structure comply with all the provisions of this Zoning Ordinance. The Village Manager shall receive directly and process any application for a Certificate of Zoning Compliance made apart from the application for building permit as where a property owner seeks such a Certificate of Zoning compliance in connection with the sale of his property, or otherwise.
- C.** Every application for a building permit shall be accompanied by a plat stating the number of dwelling units, if applicable, and showing the design, layout

and location of the building(s) or structure(s) on the lot and of all off-street parking spaces and, in addition to the information required by the effective ordinances of the Village, such other information as may be required by the Village Manager for the proper enforcement of this Zoning Ordinance.

2.2.2 Amendments To The Zoning Ordinance

A. Authorization

The regulations imposed and the districts created by this Zoning Ordinance may be amended by ordinance from time to time in the manner provided by the Zoning Ordinance and applicable Illinois statutes.

B. Initiation Of Amendment

Amendments may be proposed in writing by the President and Board of Trustees, by the Plan Commission, by the Zoning Board of Appeals, by the ~~Code Administration~~ **Building and Property Maintenance** Department, by the Community Development Department or by any person having a proprietary interest in property in the Village.

C. Application For Amendment

An application for an amendment shall be filed with the Village Manager who shall forward a copy of same to the President and Board of Trustees without delay. The application shall be filed in such number of copies to be in such form, and contain such information as may be prescribed from time to time, but shall in all instances contain the following:

- 1.** The name and address of the applicant and the owner of the property in question;
- 2.** The precise wording of any proposed amendment to the text of this Zoning Ordinance; or
- 3.** In the event the proposed amendment would change the Zoning classification of any property;
- 4.** A legal description and street address of the property in question;
- 5.** The name and address of all persons having a proprietary interest in the property in question; and
- 6.** A map, drawn to scale, clearly showing the present use and zoning of the property in question and surrounding property.

D. Factors To Be Considered In Requests For Rezoning

Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the hearing body shall consider the following factors:

1. The character of the neighborhood.
2. The extent to which property values are diminished by the particular zoning restrictions.
3. The extent to which the removal of the existing limitation would depreciate the value of other property in the area.
4. The suitability of the property for the zoned purposes.
5. The length of time under the existing zoning that the property has remained unimproved, considered in the context of land development in the area.
6. The existing uses and zoning of nearby property.
7. The relative gain to the public as compared to the hardship imposed on the individual property owner.
8. The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.
9. Where applicable, the goals, objectives and policies presented in the Comprehensive Plan.

E. Hearing

The President and Board of Trustees shall refer said application to any appointed or elected commission or committee, including but not limited to the Zoning Board of Appeals **and the Plan Commission**, ~~except that any application for amendment to Sections 2.2.7 and 3.8.1 of this Zoning Ordinance shall be referred to the Plan Commission~~ for the purpose of holding a public hearing pursuant to Section 2.2.5. Either before or after the hearing, the commission or committee may in its discretion request the Planning Division to furnish a written recommendation regarding any proposed amendment. If said request is made before said hearing the Planning Division shall deliver its recommendation at or before said hearing; if said request is made at or after said hearing, the Division shall, within a reasonable time, deliver copies of its recommendation to the hearing commission or committee, the applicant and any other interested parties requesting same. The commission or committee may also request recommendations and testimony from Village commissions, committees and

organizations including, but not limited to, the Oak Park Historic Preservation Commission and the Community Design Commission. Following such hearing, the commission or committee shall transmit to the President and Board of Trustees a written report giving its findings and recommendations for action to be taken by the President and Board of Trustees.

F. Action By Board Of Trustees

After receiving the report of the hearing commission or committee, the President and Board of Trustees shall, review the report and may pass the proposed amendment with or without change, or may reject it, or may refer it back to the hearing commission or committee for further consideration. In case of written protest against any proposed amendment, signed and acknowledged by the owners of 20% of the property proposed to be altered, or by the owners of 20% of the property immediately abutting the property proposed to be altered or across an alley or street there from, filed with the Village Clerk, such amendment shall not be passed except upon the favorable vote of two-thirds (2/3) of the President and Board of Trustees.

2.2.3 Special Uses

A. Authorization

The location, construction, extension or structural alteration of any special uses set forth in Section 4.3 may be authorized on permit by the President and Board of Trustees in the districts indicated, subject to the standards applicable to the particular use and such conditions as may be imposed pursuant to Section 2.2.3.E. Prior to such authorization, a public hearing shall be held in the manner prescribed by Section ~~4.9~~2.2.5.

B. Application For Special Use

Any person having a proprietary interest in the property in question may file an application for a special use permit with the Village Manager who shall forward a copy of the same to the President and Board of Trustees without delay. The application shall be in such number of copies, be in such form and contain such information as may be prescribed from time to time, but shall in all instances contain the following:

1. The name and address of the applicant and the owner of the property in question;
2. A legal description and street address of the property in question;
3. A concise written statement explaining the nature of the proposed use and its compliance with the standards set forth in Section 2.2.3.D;

4. A site plan, drawn to scale, showing the present and proposed use and zoning of the property in question and surrounding property.

C. The Hearing

Note: the changes to this section are derived from a new ordinance passed on 3/20/00, not Clarion recommendations.

The President and Board of Trustees shall refer the application to any appointed or elected commission or Committee, including but not limited to the Zoning Board of Appeals **and the Plan Commission**, ~~except that any application for special use permit for a planned development pursuant to Sections 2.2.7, 3.8.1, and 4.3.2 of this Zoning Ordinance shall be referred to the Plan Commission~~ for the purpose of holding a public hearing thereon pursuant to Section 2.2.5. The hearing commission or committee may request a written recommendation from the Planning Division, Oak Park Historic Preservation Commission, Community Design Commission, and **any other Village commission, committee or organizations, as provided in Section 2.2.2.E.** The hearing body, its chairperson or its secretary may also require of the applicant what additional information it deems appropriate for conduct of its deliberations. Following the hearing, the commission or committee shall transmit to the President and Board of Trustees a written report giving its findings as to compliance of the proposed special use with the applicable standards governing the particular special use and giving its recommendations for action to be taken by the President and Board of Trustees.

D. Standards

A special use permit for the uses listed in Section 4.3.2 of this Zoning Ordinance may be granted and the applicable district regulations modified only if evidence is presented to establish that:

1. The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility ~~which~~ that is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community;
2. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare;
3. The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations; and

4. The proposed building or use complies with the more specific standards and criteria established for the particular building or use in question by Sections 4.3, 2.2.7 and 3.8.1 of this Zoning Ordinance.
5. The proposed building or use has been consider in relating to the goals and objectives of the Comprehensive Plan or the Village of Oak Park;
6. There shall be reasonable assurance that the proposed buildings or use will be completed and maintained in a timely manner, if authorized.

E. Conditions

The hearing commission or committee may recommend and the President and Board of Trustees may impose such conditions or restrictions upon the location, construction, design and operation of a special use, including but not limited to provisions for off-street parking spaces and the duration of such permit, as they shall respectively find necessary or appropriate to secure compliance with the standards set forth in Section 2.2.3.D.

F. Action By Board Of Trustees

After receiving the report of the hearing commission or committee, the President and Board of Trustees shall review the report and may accept the findings and recommendations in whole or in part or may reject them in whole or in part, or the President and Board of Trustees may refer the matter back to the hearing commission or committee for further consideration. However, in the event the commission or committee recommends against the issuance of a special use permit, then it may be issued only upon the favorable vote of 2/3 of the President and Board of Trustees.

2.2.4 Variations

A. Authorization

The Zoning Board of Appeals may vary the regulations of this Zoning Ordinance relating to the use of land or the use, construction or alteration of buildings or structures, provided the Board makes a finding of fact, based upon the standards hereinafter prescribed, that the application of the strict letter of the regulations of this Zoning Ordinance will create practical difficulties or particular hardship for the owner of the land, buildings or structures.

B. Application

Any person having a proprietor interest in property, the proposed use of which is affected by this Zoning Ordinance, may file an application for a variation. Such application shall be filed with the Secretary of the Zoning Board of Appeals/ who shall notify the chairperson without delay. The

application shall be filed in such a number of copies, be in such form and contain such information as the Board may provide from time to time. A public hearing shall be held in the manner prescribed by Section 2.2.5, and the Board may, at its discretion, request recommendations and testimony from the Planning Division and from Village commissions, committees and organizations including, but not limited to, the Historic Preservation Commission and the Community Design Commission.

C. Standards

The Zoning Board of Appeals shall not vary the regulations of this Zoning Ordinance unless it shall make findings of fact based upon the evidence as presented that:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
2. The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship that would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the same district.
3. The alleged hardship has not been created by any person presently having a proprietary interest in the premises.
4. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
5. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public street, increase the danger of fire, or endanger the public safety.
6. The proposed variation will not alter the essential character of the neighborhood.
7. The proposed variation is in harmony with the spirit and intent of this Zoning Ordinance.

The Board may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

D. Order And Duration

The concurring vote of 4 members of the Zoning Board of Appeals shall be necessary to grant a variation. The order of the Board shall be by written resolution and contain its findings of fact. No order granting a variation shall be valid for a period longer than 12 months from the date of such order unless an application for building permit is filed within such period **or the variation has been exercised.** The Board may grant one additional extension of time not exceeding 12 months, upon written application made within the initial 12 month period, without further notice or hearing; said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

E. Discontinuance Of A Use Granted By A Variation

If any use established under a variation heretofore or hereafter granted is discontinued for a period of 12 months, it shall be presumed to be abandoned and such shall not thereafter be renewed. Any subsequent use shall conform to the regulations of the district in which the property in question is located.

2.2.5 Public Hearings

A. Setting Of Hearing

For public hearings required by this Zoning Ordinance on applications for a variation, special use or amendment before the Zoning Board of Appeals, the Plan Commission or other appointed hearing commission or committee, the chairperson of the body in charge of conducting the hearing shall, within 60 days after referral of the matter, set a time and place for the public hearing on the request.

B. Notice Of Hearings

Notice of public hearings on requests for variations, special uses or amendments shall be given not more than 30 days nor less than 15 days before the hearing by publication in a newspaper of general circulation in the Village of Oak Park. Such notice shall include the time and place of the hearing, a general description of the contents of the request to be heard, and the address or location of the property to which the request applies. The published notice may be supplemented by such additional form of notice as provided by rule of the hearing body.

C. Conduct Of Hearing

Any person having a proprietary interest in property affected by the subject matter of the hearing may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. All testimony shall be given under oath. The Chairperson or Acting Chairperson shall administer or authorize the administration of oaths and may compel the attendance of

witnesses. The hearing body may adopt such rules of procedure as are necessary or desirable to implement this Section.

D. Fees

Any appeal, application for variation special use permit, renewal of special-use permit, planned development, or amendment shall be accompanied by a fee as set forth in the Code of the Village of Oak Park. There shall be no fee, however in the case of appeals or applications filed by the Village. All fees shall be paid at the time of filing and shall be in cash or by check payable to the Village of Oak Park.

2.2.6 Appeals

A. Scope And Commencement Of Appeals

An appeal from a decision of the Village Manager made in interpreting this Zoning Ordinance shall be taken to the Zoning Board of Appeals by any person, firm or corporation, aggrieved by said decision, or by any officer, department or board of the Village. Such appeal shall be taken within 45 days after the allegedly erroneous order or decision of the Village Manager by filing with the Village Manager a notice of appeal, specifying the ground thereof, and a copy of said notice of appeal with the Secretary of the Board. The Village Manager shall forthwith transmit to the Secretary of the Board all of the papers constituting the record upon which he made the decision appealed. The notice of appeal and the appeal itself shall be filed in such number of copies, be in such form and contain such information as the Board may provide from time to time.

B. Action On Appeals

An appeal shall stay all proceedings in furtherance of the decision appealed from unless the notice of appeal has been filed with him that, by reasons or facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order, ~~which~~ **that** may be granted by the Board or by a court of record upon due cause shown. The Board shall select a reasonable time and place for the public hearing on the appeal, shall give due notice thereof to the parties having a known proprietary interest and shall render a written decision without unreasonable delay. Upon the concurring vote of 4 members, the Board may reverse ~~or affirm~~, in whole or in part, or may modify the decision from which the appeal was taken and to that end the Board shall have all the powers of the Village Manager with respect to such decision.

2.2.7 Planned Development Procedures

The following procedures are intended to provide for the orderly review of planned development applications in a timely and equitable manner:

A. Pre-Filing Review and Transmittal of Application:

1. Conference:

- a.** A prospective applicant, prior to submitting a formal application for a planned development, shall meet for a pre-filing conference(s) with the Director of Planning, the Director of Public Works and any other Village **staff members** designated by the Village Manager. The purpose of the conference(s) is to help the applicant understand the Comprehensive Plan, the Zoning Ordinance, the site development allowances, the standards by which the application will be evaluated and the application requirements.
- b.** During or after the pre-filing conference, the applicant may request a meeting with the Village staff and the **President & Board of Trustees (Village Board)** or subcommittee thereof to discuss a request for waiver of any application requirement which, in the applicant's judgment, should not apply to the proposed development.
- c.** In order to be considered by the **Village Board**, all requests for waiver shall be made in writing. Such requests will be reviewed and decided within ten (10) working days of their receipt, where practicable, by the **Village Board** or a subcommittee thereof.

2. Filing of Application:

Following the completion of the pre-filing conference(s) and determination by the **Village Board** or subcommittee thereof of any request for a waiver of an application requirement, the applicant shall file an application for a planned development in accordance with Section 2.2.7.E hereof. The **Village** Manager or his or her designee shall deliver copies of the **completed** application **to the Village Board for the purpose of the Board's referral to a hearing commission or committee designated by the Village Board in accordance with section 2.2.3.C of this ordinance.** ~~other appropriate Village departments for review and comment.~~

3. Deficiencies:

The Village Manager ~~or his or her designee~~ shall determine whether the application is complete. If the Village Manager ~~or his or her designee~~ determines that the application is not complete, he/she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.

4. Report on Compliance:

A copy of the complete application and a written report incorporating the comments of Village staff and other agencies regarding the compliance of the proposed development with the requirements and standards of this Section shall be delivered to the **Village Board** prior to the public hearing.

5. Determination Not Binding:

Neither the Village Manager ~~or his or her designee's~~ determination that an application is complete nor any comment made by the Village Manager ~~or his or her designee~~, staff or the **Village Board or subcommittee thereof** at a pre-filing conference or as part of the review process shall be construed as a formal or informal recommendation for the approval of a planned development permit for the proposed development, or component part thereof, and no such determination or comment shall be construed as a binding decision of the Village, the **designated hearing commission or committee** or any staff member.

B. Review and Action by the Plan Commission:

- 1.** Upon receiving the report from the Village Manager ~~or his or her designee~~, the **designated hearing commission or committee** shall hold a public hearing on the proposed planned development. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with the provisions of this Section, State law, and rules of procedure adopted by the **designated hearing commission or committee**.
- 2.** Notice of the required public hearing shall be published by the Village not more than thirty (30) nor less than fifteen (15) days before the scheduled hearing in a newspaper published in the Village or if there is none, then a newspaper of general circulation in the Village and shall contain the following information:
 - a.** The identification number designation of the application;
 - b.** The date and time of the public hearing;
 - c.** The location of the public hearing; and
 - d.** The general location of the property, the street address, if applicable, and a short description of the proposed development and purpose of the public hearing.
- 3.** Notice of the required public hearing shall also be provided by the Village by posting a sign of approximately 48" by 48", containing

one-inch minimum typeface, on the property no less than fifteen (15) days prior to the public hearing. The sign shall be weatherproof and contain information as is required in subsection 2(b) above. Failure to post such sign(s) and or the removal or knocking down (by the Village or others) of the sign after posting but before the hearing shall not invalidate, impair or otherwise affect any planned development permit subsequently granted following such public hearing. The sign shall, whenever possible, remain posted until the hearing is completed.

4. Notice of the required public hearing shall also be provided by the Village by regular mail to the owners of record of the property which is the subject of the application (if different than the applicant), and the owners of all property within five hundred (500) feet of the subject property as shown on the written list provided by the applicant pursuant to the requirements of 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code (such notice should be sent to the owners as recorded in the office of the Recorder of Deeds or the Registrar of Zoning Ordinances of Cook County and as the appear from the authentic tax records of Cook County, as shown on the list prepared by the applicant as required in 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code). The applicant shall be required to submit to the Village a search by a reputable zoning ordinance company or other evidence satisfactory to the Village, indicating the identity of all such owners required to receive notice, and an affidavit certifying that the applicant has complied with the requirements of 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code. Such notice shall contain the information as is required in subsection B.2 above and shall be mailed not more than thirty (30) nor less than fifteen (15) days prior to the date of the public hearing. The notice shall also include the name and address of the applicant for the planned development. The applicant shall also provide for the service of a separate notice that the applicant is required to serve under 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code. The applicant shall be required to comply with all conditions of Section 5/11-13-7 of the Illinois Municipal Code.
5. The **designated hearing commission or committee** shall review the application, the report of the Village Manager ~~or his or her designee~~, and any testimony and written comments received by the **designated hearing commission or committee** before or at the public hearing. Within thirty five (35) days following the close of the public hearing, the **designated hearing commission or committee** shall make specific written findings addressing the standards set forth

in Section 3.8.1.G and shall transmit such findings, together with a recommendation of approval, approval with conditions, or disapproval, to the Board of Trustees.

C. Review and Action by the Board of Trustees:

1. Within sixty (60) days of receipt of the report and recommendation of the **designated hearing commission or committee**, and without further public hearing, the Board of Trustees may deny the application, may refer the application to the **designated hearing commission or committee** for further review, may postpone further consideration pending the submittal of additional information, ~~including any application requirement previously waived by the Plan Commission~~, or may adopt a zoning ordinance approving the planned development permit.
2. Any action taken by the Board of Trustees pursuant to subsection C.1 above shall require the concurrence of a majority of the Village President and Trustees; however, if the planned development fails to receive the approval of the **designated hearing commission or committee**, the ordinance shall not be approved except by a favorable vote of two thirds of the President and Board of Trustees.
3. In approving a planned development permit, the Board of Trustees may attach such conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in Section 3.8.1.G.

D. Application Requirements:

1. An application for a planned development may only be filed by one who has an ownership interest, or by the agents thereof; or by any contract purchaser or anyone holding an option to purchase the parcel of land on which the use or combination of uses is to be located; or by any unit of government which either owns the parcel or which is not the owner of the parcel but which proposes to acquire the parcel by purchase, gift or condemnation; or by any developer or development team which has entered into a redevelopment agreement with the unit of local government seeking to acquire the parcel.
2. Applications for a planned development shall be filed with the Village Manager ~~or his or her designee~~, in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the Village. Every application shall contain, at a minimum, the following information and related data:

- a.** The names, addresses and phone numbers of the owner of the subject property, the applicant and all persons known to have an ownership or beneficial interest in the subject property and proposed development.
- b.** A statement from the owner, if the owner is not the applicant, approving the filing of the application by the particular applicant.
- c.** A survey, legal description and street address of the subject parcel(s).
- d.** A statement setting forth the reasons demonstrating that the proposed development meets the standards set forth in Section 3.8.1.G.
- e.** A scaled site plan showing the contour lines, common space and the location, bulk and lot area coverage and heights of buildings and structures, parking spaces, loading areas, contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation, and utilities.
- f.** Schematic drawings illustrating the design and character of the building elevations, types of construction, specified building materials, and floor plans of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type and floor area of all uses or combination of uses, and the floor area of the entire development.
- g.** A landscaping plan showing the location, size, character and composition of vegetation and other material.
- h.** The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures.
- i.** A schedule of development showing the approximate date for beginning and completion of each stage of construction of development.
- j.** A statement acknowledging the responsibility of the applicant to record a certified copy of the zoning ordinance granting the planned development permit with the Cook County Recorder of Deeds Office and to provide evidence of said recording to the Village within thirty (30) days of passage in

the event the proposed planned development is approved by the Village Board.

- k.** A traffic study showing the proposed traffic circulation pattern within and in the vicinity of the area of the development, including the location and description of public improvements to be installed, including any streets and access easements.
- l.** An analysis of the economic impact of the proposed development on the Village.
- m.** Copies of all environmental assessments or impact studies as required by law.
- n.** An analysis reporting the anticipated demand on all Village services.
- o.** A plan showing off-site utility improvements required to service the planned development and a report showing the cost allocations for those improvements.
- p.** A site drainage plan for the developed tract.
- q.** A statement of the professional qualifications and related development experience of Applicant and/or Applicant's development team.
- r.** The applicant may submit a written request for waiver of any application requirement in accordance with subsection 2.2.7.A.1.(b). Notwithstanding a decision by the Plan Commission or subcommittee thereof to grant a waiver, such decision regarding the request for a waiver of an application requirement does not preclude the Village Board from requesting that same information or any additional information it deems applicable for its review of the planned development application.
- s.** Every application must be accompanied by a fee in such amount as established from time to time by the Village Board to defray the costs of providing notice and contracting with independent professionals to review applications as required. Such professional costs may include but are not limited to engineering, legal fees, traffic analyses, environmental impact studies, land use design or other similarly related professional studies. Additional materials may be required during the

review of a proposed planned development if determined necessary by the Plan Commission.

E. Effect Of Approval Or Denial:

1. Approval of the planned development permit by the Board of Trustees authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy and other permits that the Village may require for the proposed development. The Director of Planning shall review applications for these permits for compliance with the terms of the planned development permit granted by the Board of Trustees. No permit shall be issued for development that does not comply with the terms of the planned development permit.
2. The Village Board shall direct the Village Manager to revise the Official Zoning Map to reflect the existence and boundaries of each planned development permit granted.
3. An approval of a planned development permit by the Board of Trustees shall be null and void if the recipient does not file an application for a building permit for the proposed development within nine (9) months after the date of adoption of the zoning ordinance approving the development permit.
4. An approval of a planned development permit by the Board of Trustees shall be null and void if construction has not commenced within eighteen (18) months and is not completed within thirty-six (36) months after the date of adoption of the zoning ordinance approving the planned development permit.
5. Notwithstanding paragraph 4 of this Section, an approval of a planned development permit with a phasing plan shall be null and void if construction has not commenced or is not completed in accordance with the terms of that phasing plan.
6. An extension of the time requirements stated in subsections 3, 4 and 5 of this Section may be granted by the Board of Trustees for good cause shown by the applicant, provided a written request is filed with the Village at least four (4) weeks prior to the respective deadline, whenever practicable.
7. An approval of a planned development shall be null and void if the use or combination of uses for which the approval was granted ceases for a period of one (1) year.

8. No application for a planned development which was previously denied by the Board of Trustees shall be considered by the Plan Commission or the Board of Trustees if it is resubmitted in substantially the same form and/or content within two (2) years of the date of such prior denial.
9. The Village Manager or his or her designee shall review the application for a planned development and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the Village Board to appeal the determination of the Village Manager or his or her designee, provided a petition for appeal is filed in writing, to the Village Manager within ten (10) days of the decision.
10. The Board shall affirm or reverse the determination of the Director of Planning regarding whether the new application is in substantially the same form within thirty (30) days of receipt of a petition for appeal.
11. If it is determined that the new application is not substantially in the same form, then the applicant is entitled to submit an application and have it reviewed in accordance with the provisions of Section 2.2.7.D hereof.

F. Amendments And Alterations To Approved Planned Development Permits:

1. Except as provided in subsection 2 below, any modifications to an approved planned development permit or any addition to or expansion of an existing planned development permit shall require separate review and approval under the provisions of this Section.
2. A minor change is any change in the site plan or design details of an approved planned development permit which is consistent with the standards and conditions applying to the planned development permit and which does not alter the concept or intent of the planned development. A minor change shall not increase the project's density, increase the height of buildings, reduce open space, modify the proportion of housing types, change or add new parking areas, alter alignment of roads, utilities or drainage, amend final governing agreements, provisions or covenants, or provide any other change inconsistent with any standard or condition imposed by the Board of Trustees in approving the planned development permit. Said minor change may be approved by the Village Manager or his or her designee without obtaining separate approval by the Board of Trustees. In addition, the Village Board may, after reviewing the

request for a minor change made by the Village staff or the applicant, direct the Village Manager to process the minor change administratively. A minor change that would constitute a variation under the Zoning Ordinance may only be approved at the direction of the Village Board.

ARTICLE 3. ZONE DISTRICTS/SPECIAL DISTRICT REGULATIONS

3.1 USE SUMMARY MATRIX

The following table summarizes which uses shall be allowed in each zone district. A use is either (a) permitted, (b) a special use, subject to specific standards, or (c) prohibited.

Commentary: The table represents a reformatting of current use lists for ease of use. As noted in the summary of changes that follows the table, the use list has been consolidated and some uses deleted. New uses have also been added. The Plan Commission and Staff need to review these changes carefully and suggest additional revisions as appropriate.

3.2 TABLE OF DIMENSIONAL REQUIREMENTS

This table summarizes the dimensional standards for all zone districts. See the zone district regulations in the remainder of Article 3 for special dimensional standards.

Dimensional Standards								
Zone Districts and Use	Min. Lot Area (or Max. Density)	Max. Lot Coverage (%) (Principal Structure/Aggregate)	Max. Height (feet)	Minimum Setbacks (feet from lot line)				Additional Regulations
				Front (Min.)	Side (Min.)	Rear (Min.) / (% of Lot Depth)	External Side Yard	
Single Family Districts								
R-1:	10,000sf		35 – 45	30 – 60	6	35 (20%)	6 – 9	§ 3.5.1
R-2	6,200 – 10,000sf		35 – 45	30 – 60	6	35 (20%)	6 – 9	§ 3.5.2
R-3	5,000 – 10,000sf		35 – 45	20 – 50	5	30 (20%)	5 – 8	§ 3.5.3
R-4	3,500 – 10,000		35 – 45	20 – 50	5	25 (20%)	5 – 8	§ 3.5.4
Multiple Family Districts								
R-5	3,500 – 10,000		35 – 45	20 – 50	5	25 (20%)	5 – 8	§ 3.6.1
R-6	3,500 – 10,000	45 / 75	35 – 45	20	5 – 10	25 (20%)	5 – 8	§ 3.6.2
R-7	3,500 – 10,000	45 / 75	45 – 55	20	5 – 10	25 (20%)	5 – 8	§ 3.6.3
Hospital District								
H	400 sf/bed; 7,000sf max.	--- / 80	125	No yards shall be required unless specific conditions are satisfied, in which case yards will vary from 20 to 30 feet.				§ 3.7
Commercial Districts								
B-1/B-2								§ 3.8.1
Combination of Uses		--- / 75	45 – 55	No yards shall be required unless specific conditions are satisfied, in which case yards will vary from 10 to 15 feet.				
Business Use (exclusively)	No min.	---	45 – 55					
Hotels	360 sf/room; 7,000 sf	---	45 – 55					

Article 3. ZONE DISTRICTS/SPECIAL DISTRICT REGULATIONS
Sec.3.2 Table of Dimensional Requirements

Dimensional Standards								
Zone Districts and Use	Min. Lot Area (or Max. Density)	Max. Lot Coverage (%) (Principal Structure/Aggregate)	Max. Height (feet)	Minimum Setbacks (feet from lot line)				Additional Regulations
				Front (Min.)	Side (Min.)	Rear (Min.) / (% of Lot Depth)	External Side Yard	
Long-Term Care Facility	400 sf/bed; 7,000sf max.	---	45 – 55					
Uses Permitted in a Residential District	3,500 – 10,000	45 / 75	45 – 55	20	5 – 10	25 (20%)	5 – 8	
B-3								§ 3.8.2
Combination of Uses		--- / 75	60					
Business Use (exclusively)	No min.	---	60					
Hotels	360 sf/room; 7,000 sf	---	60	No yards shall be required unless specific conditions are satisfied, in which case yards will vary from 10 to 15 feet.				
Long-Term Care Facility	400 sf/bed; 7,000sf max.		60					
Uses Permitted in a Residential District	3,500 – 10,000	45 / 75	60	20	5 – 10	25 (20%)	5 – 8	
B-4								§ 3.8.3
Combination of Uses		0	125					
Business Use (exclusively)	No min.	0	125					
Hotels	360 sf/room; 7,000 sf	0	125	No yards shall be required unless specific conditions are satisfied, in which case yards will vary from 5 to 15 feet.				
Long-Term Care Facility	400 sf/bed; 7,000sf max.	0	125					
Uses Permitted in a Residential District	3,500 – 10,000	0	125					
Commercial								§ 3.8.4
Combination of Uses		75%	50 – 60					
Business Use (exclusively)	No min.	---	50 – 60	No yards shall be required unless specific conditions are satisfied, in which case yards will vary from 5 to 15 feet.				
Hotels	360 sf/room; 7,000 sf	---	50 – 60					

Dimensional Standards								
Zone Districts and Use	Min. Lot Area (or Max. Density)	Max. Lot Coverage (%) (Principal Structure/Aggregate)	Max. Height (feet)	Minimum Setbacks (feet from lot line)				Additional Regulations
				Front (Min.)	Side (Min.)	Rear (Min.) / (% of Lot Depth)	External Side Yard	
Long-Term Care Facility	400 sf/bed; 7,000sf max.	---	50 – 60					
Uses Permitted in a Residential District	3,500 – 10,000	---	50 – 60	20	5 – 10	25 (20%)	5 – 8	

3.3 DISTRICT BOUNDARIES AND BOUNDARY LINES

- A.** The boundaries of the districts are shown upon the map which is attached hereto and made a part of this Zoning Ordinance and which is hereby designated as the "Zoning Map". The Zoning Map and all notations, references and other information thereon shall be a part of this Zoning Ordinance and shall have the same force and effect as if fully set forth or described herein. The original of the Zoning Map is properly attested and is on file with the Village Manager. For the purpose of this Zoning Ordinance, the R-1 Single-Family District shall be the most restricted district and the C Commercial District shall be the least restricted district.

- B.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:
 - 1.** The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the zoning Map are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

 - 2.** Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and platted lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the Zoning Map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the Zoning Map.

- 3.** In the case of property that is not subdivided into blocks and lots, the district boundary lines shall be determined by use of the scale appearing on the Zoning Map.
- C.** Whenever any street, alley or other public way is vacated by official action of the President and Board of Trustees the zoning district immediately abutting each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all applicable regulations of the extended district(s).
- D.** Where a lot which is a lot of record on the effective date of this Zoning Ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district; provided that this constriction shall not apply if it increases the area of the less restrictive portion of the lot by more than 20%.
- E.** It is the intent of the President and Board of Trustees that the entire area of the Village, except dedicated streets, alleys or public ways, be included in the districts established by this Zoning Ordinance. Therefore, any area, except dedicated streets, alleys or other public ways, not shown on the Zoning Map as being included in any district shall be deemed to be the R-1 District.

3.4 USE DISTRICTS

In order to carry out the purposes and provisions of this Zoning Ordinance, the Village is hereby divided into the following districts:

3.4.1 Single Family Residential Districts-- R-1, 2, 3, & 4

3.4.2 Multiple Family Districts-- R-5, 6, & 7

3.4.3 Hospital District-- H

3.4.4 Commercial District-- B-1/2, 3, 4, & C

3.4.5 Other districts—Planned Development, Gateway Overlay

References in this Zoning Ordinance to "Residential Districts" shall be construed to mean the R-1 through R-7 Districts. References in this Zoning Ordinance to "Business" and "Commercial Districts" shall be construed to mean the B-1 through C Districts.

3.5 SINGLE-FAMILY DISTRICT REGULATIONS

3.5.1 R-1 Single-Family District:

The regulation of this district are intended to preserve and protect the unique character of existing estate-type lots improved with single-family dwellings, many of which are historically and architecturally significant structures, and to permit compatible development.

A. Bulk Regulations

1. Minimum Lot Size

Not less than 10, 000 square feet of land.

2. Building Height

No building or structure shall exceed 35 feet in height; provided, however, schools, churches and temples may be erected to a height not exceeding 45 feet, on the condition that such school, church or temple shall be set back at least one additional foot from each required setback for each 2 feet of additional building height above the basic 35 foot height limitation.

B. Required Yards

1. Front Yards

Not less than 30 feet. Where, however, the Average Front Setback, as hereinafter set forth, is more than 30 feet then the front yard shall be not less than such Average Front Setback, but this regulation shall in no event require a front yard of more than 60 feet. Where a lot is a through lot, the required front yard shall be provided on both streets.

a. The Average Front Setback is equal to one half of the following sum: the Average Adjacent Front Setback (as hereinafter defined) plus the Average Non-Adjacent Front Setback (as hereinafter defined).

(1) The Average Adjacent Front Setback is the average front setback of the buildings or structures on the lots immediately adjoining the subject lot, weighted in accordance with the width of each such lot.

(2) The Average Non-Adjacent Front Setback is the average front setback of the building or structures on all of the non-adjacent lots that are in the same or more restrictive district, in the same block and on the same side of the street as the subject lot, weighted in accordance with the width of such lot.

- b.** For averaging purposes, vacant lots shall be treated as having the minimum required setback of 30 feet. When the subject lot is a corner lot, the side street shall be treated as a lot having the minimum required setback of 30 feet.

BOARD REQUESTED GRAPHIC SHOWING AVERAGE FRONT SETBACK AND CORNER AND OTHER LOTS

2. Rear Yards

Thirty-five feet or 20% of the depth of the lot, whichever is less.

3. Side Yards

Not less than 6 feet.

4. Exterior Side Yards

Every corner lot shall have an exterior side yard of not less than 9 feet, subject to the following exceptions:

- a.** If such corner lot is a reversed frontage corner lot, the exterior side yard shall be not less than the greater of (A) the required exterior side yard for this district or (B) one-half of the following sum: the required exterior side yard for this district, plus the front yard of the lot whose front lot line is substantially a continuation of the exterior side lot line of such reversed frontage corner lot; and
- b.** If such corner lot is a lot of record prior to the effective date of this Zoning Ordinance, the buildable width of such corner lot need not be reduced to less than 35 feet, except where necessary to provide an exterior side yard with a depth of not less than 6 feet.

3.5.2 R-2 Single Family District

The regulations of this district are intended to preserve and protect low-density neighborhoods characterized by single-family dwellings on large lots and to permit compatible development.

A. Bulk Regulations

1. Minimum Lot Size

Not less than 6,200 square feet of land; except church and temples, public libraries and schools, not less than 10,000 square feet of land.

2. Building Height

No building or structure shall exceed 35 feet in height; provided, however, schools, churches and temples may be erected to a height

not to exceed 45 feet, on the condition that such school, church or temple shall be set back at least one additional foot from each required setback for each 2 feet of additional building height above the basic 35 foot height limitation.

B. Required Yards

1. Front Yards

Not less than 30 feet. Where, however, the Average Front Setback, as hereinafter set forth, is more than 30 feet then the front yard shall be not less than such Average Front Setback, but this regulation shall in no event require a front yard of more than 60 feet. Where a lot is a through lot, the required front yard shall be provided on both streets.

a. The Average Front Setback is equal to one half of the following sum: the Average Adjacent Front Setback (as hereinafter defined) plus the Average Non-Adjacent Front Setback (as hereinafter defined).

(1) The Average Adjacent Front Setback is the average front setback of the buildings or structures on the lots immediately adjoining the subject lot, weighted in accordance with the width of each such lot.

(2) The Average Non-Adjacent Front Setback is the average front setback of the building or structures on all of the non-adjacent lots that are in the same or a more restrictive district, in the same block and on the same side of the street as the subject lot, weighted in accordance with the width of each such lot.

b. For averaging purposes, vacant lots shall be treated as having the minimum required setback of 30 feet when the subject lot is a corner lot, the side street shall be treated as a lot having the minimum required setback of 30 feet.

c. **See Illustration on page ____.**

2. Rear Yards

Thirty-five feet or 20% of the depth of the lot, whichever is less.

3. Side Yards

Not less than 6 feet.

4. Exterior Side Yards

Every corner lot shall have an exterior side yard of not less than 9 feet, subject to the following exceptions:

- a.** If such corner lot is a reversed frontage corner lot, the exterior side yard shall be not less than the greater of (A) the required exterior side yard for this district or (B) one-half of the following sum: the required exterior side yard for this district, plus the front yard of the lot whose front lot line is substantially a continuation of the exterior side lot line of such reversed frontage corner lot; and
- b.** If such corner lot is a lot of record prior to the effective date of this Zoning Ordinance, the buildable width of such corner lot need not be reduced to less than 35 feet, except where necessary to provide an exterior side yard with a depth of not less than 6 feet.

3.5.3 R-3 Single-Family District

The regulations of this district are intended to preserve and protect various neighborhoods characterized by single-family dwellings located on moderate-sized lots and to permit compatible development.

A. Bulk Regulations

1. Minimum Lot Size

Not less than 5,000 square feet of land; except churches and temples, public libraries and schools not less than 10,000 square feet of land.

2. Building Height

No building or structure shall exceed 35 feet in height; provided, however, schools, churches and temples may be erected to a height not to exceed 45 feet, on the condition that such school, church or temple shall be set back at least one additional foot from each required setback for each 2 feet of additional building height above the basic 35 foot height limitation.

B. Required Yards

1. Front Yards

Not less than 20 feet. Where, however, the Average Front Setback, as hereinafter set forth, is more than 20 feet then the front yard shall be not less than such Average Front Setback, but this regulation shall in no event require a front yard of more than 50 feet. Where a lot is a through lot, the required front yard shall be provided on both streets.

- a.** The Average Front Setback is equal to one half of the following sum: the Average Adjacent Front Setback (as hereinafter defined) plus the Average Non-Adjacent Front Setback (as hereinafter defined).
 - (1)** The Average Adjacent Front Setback is the average front setback of the buildings or structures on the lots immediately adjoining the subject lot, weighted in accordance with the width of each such lot.
 - (2)** The Average Non-Adjacent Front Setback is the average setback of the building or structures on all of the non-adjacent lots that are in the same district or a more restrictive district, in the same block and on the same side of the street as the subject lot, weighted in accordance with the width of each such lot.
- b.** For averaging purposes, vacant lots shall be treated as having the minimum required setback of 20 feet. When the subject lot is a corner lot, the side street shall be treated as a lot having the minimum required setback of 20 feet.
- c.** **See Illustration on page ____.**

2. Rear Yards

Thirty feet or 20% of the depth of the lot whichever is less.

3. Side Yards

Not less than 5 feet.

4. Exterior Side Yards

Every corner lot shall have an exterior side yard of not less than 8 feet, subject to the following exceptions:

- a.** If such corner lot is a reversed frontage corner lot, the exterior side yard shall be not less than the greater of (A) the required exterior side yard for this district or (B) one-half of the following sum: the required exterior side yard for this district, plus the front yard of the lot whose front lot line is substantially a continuation of the exterior side lot line of such reversed frontage corner lot; and
- b.** If such corner lot is a lot of record prior to the effective date of this Zoning Ordinance, the buildable width of such corner lot need not be reduced to less than 32 feet, except where

necessary to provide an exterior side yard with a depth of not less than 5 feet.

3.5.4 R-4 Single-Family District

The regulations of this district are intended to preserve and protect various neighborhoods characterized by small single-family dwellings located on urban-sized lots and to permit compatible development.

A. Bulk Regulations

1. Minimum Lot Size

Not less than 3,500 square feet of land; except churches and temples, public libraries and schools, not less than 10,000 square feet of land.

2. Building Height

No building or structure shall exceed 35 feet in height; provided, however, schools, churches and temples may be erected to a height not exceeding 45 feet, on the condition that such school, church or temple shall be set back at least one additional foot from each required setback for each 2 feet of additional building height above the basic 35 foot height limitation.

B. Required Yards

1. Front Yards

Not less than 20 feet. Where, however, the Average Front Setback, as hereinafter set forth, is more than 20 feet, then the front yard shall be not less than such Average Front Setback, but this regulation shall in no event require a front yard of more than 50 feet. Where a lot is a through lot, the required front yard shall be provided on both streets.

a. The Average Front Setback is equal to one half of the following sum: the Average Adjacent Front Setback (as hereinafter defined) plus the Average Non-Adjacent Front Setback (as hereinafter defined).

(1) The Average Adjacent Front Setback is the average front setback of the buildings or structures on the lots immediately adjoining the subject lot, weighted in accordance with the width of each such lot.

(2) The Average Non-Adjacent Front Setback is the average front setback of the building or structures on all of the non-adjacent lots that are in the same or a more restrictive district, in the same block and on the

same side of the street as the subject lot, weighted in accordance with the width of each such lot.

- b.** For averaging purposes, vacant lots shall be treated as having the minimum required setback of 20 feet. When the subject lot is a corner lot, the side street shall be treated as a lot having the minimum required setback of 20 feet.
- c.** **See Illustration on page ____.**

2. Rear Yards

Twenty-five feet or 20% of the depth of the lot, whichever is less.

3. Side Yards

Not less than 5 feet.

4. Exterior Side Yards

Every corner lot shall have an exterior side yard of not less than 8 feet, subject to the following exceptions:

- a.** If such corner lot is a reversed frontage corner lot, the exterior side yard shall be not less than the greater of (A) the required exterior side yard for this district or (B) one-half of the following sum: the required exterior side yard for this district, plus the front yard of the lot whose front lot line is substantially a continuation of the exterior side lot line of such reversed frontage corner lot; and
- b.** If such corner lot is a lot of record prior to the effective date of this Zoning Ordinance, the buildable width of such corner lot need not be reduced to less than 30 feet, except where necessary to provide an exterior side yard with a depth of not less than 5 feet.

3.6 MULTIPLE-FAMILY DISTRICT REGULATIONS

3.6.1 R-5 Two-Family District

The regulations of this district are intended to protect small single-family dwellings on urban-size lots, to provide guidelines for the development of two-family dwellings and to permit compatible development.

A. Bulk Regulations

1. Minimum Lot Size And Intensity Of Use

- a.** For single-family dwellings, churches and temples, public libraries, parks, play grounds, swimming pools and other

recreational facilities and community buildings—publicly owned and operated, schools, and duly licensed foster homes; not less than 3,500 square feet of land; except churches and temples, public libraries and schools, not less than 10,000 square feet of land.

- b.** For two-family dwellings: Not less than 5,000 square feet of land.

2. Building Height

No building or structure shall exceed 35 feet in height; provided however, schools, churches and temples may be erected to a height not exceeding 45 feet, on the condition that such school, church or temple shall be set back at least one additional foot from each required setback for each 2 feet of additional building height above the basic 35 feet height limitation.

B. Required Yards

1. Front Yards

Not less than 20 feet. Where, however, the Average Front Setback, as hereinafter set forth, is more than 20 feet then the front shall be not less than such Average Front Setback, but this regulation shall in no event require a front yard of more than 50 feet. Where a lot is a through lot, the required front yard shall be provided on both streets.

- a.** The Average Front setback is equal to one half of the following sum: The Average Adjacent Front Setback (as hereinafter defined) plus the Average Non-Adjacent Front Setback (as hereinafter defined).

- (1)** The Average Adjacent Front Setback is the average front setback of the buildings or structures on the lots immediately adjoining the subject lot, weighted in accordance with the width of each such lot.

- (2)** The Average Non-adjacent Front Setback is the average front setback of the buildings or structures on all of the non-adjacent lots that are in the same or a more restrictive district, in the same block and on the same side of the street as the subject lot, weighted in accordance with the width of each such lot.

- b.** For averaging purposes, vacant lots shall be treated as having the minimum required setback of 20 feet. When the subject lot is a corner lot, the side street shall be treated as a lot having the minimum required setback of 20 feet.

c. See Illustration on page ____.

2. Rear Yards

Twenty-five feet or 20% of the depth of the lot, whichever is less.

3. Side Yards

Not less than 5 feet.

4. Exterior Side Yards

Every corner lot shall have an exterior side yard of not less than 8 feet, subject to the following exceptions:

- a.** If such lot is a reversed frontage corner lot, the exterior side yard shall be not less than the greater of (A) the required exterior side yard for this district or (B) one-half of the following sum: the required exterior side yard for this district, plus the front yard of the lot whose front lot line is substantially a continuation of the exterior side lot line of such reversed frontage corner lot; and
- b.** If such corner lot is a lot of record prior to the effective date of this Zoning Ordinance, the buildable width of such corner lot need not be reduced to less than 30 feet, except where necessary to provide an exterior side yard with a depth of not less than 5 feet.

3.6.2 R-6 Multiple-Family District

The regulations of this district are intended to provide guidelines for the protection and development of Multiple-family dwellings in small apartment buildings or townhouses of low density and to permit compatible development.

A. Bulk Regulations

1. Minimum Lot Size And Intensity Of Use

- a.** For single-family dwellings, churches and temples, public libraries, parks, play grounds, swimming pools and other recreational facilities and community buildings—publicly owned and operated, schools, and duly licensed foster homes; not less than 3,500 square feet of land; except churches and temples, public libraries and schools, not less than 10,000 square feet of land.
- b.** For two-family dwellings and multiple-family dwellings: not less than 5,000 square feet of land in the case of 2 dwelling units, plus an additional minimum of 900 square feet of land for each dwelling unit in excess of 2.

2. Building Height

No building or structure shall exceed 35 feet in height; provided however, schools, churches and temples may be erected to a height not exceeding 45 feet, on the condition that such school, church or temple shall be set back at least one additional foot from each required setback for each 2 feet of additional building height above the basic 35 feet height limitation.

B. Required Yards

1. Front Yards

Not less than 20 feet. Where a lot is a through lot, the required front yard shall be provided on both streets.

2. Rear Yards

Twenty-five feet or 20% of the depth of the lot whichever is less.

3. Side Yards

Not less than 5 feet, provided in the case of lots of more than 50 feet in width each side yard shall be 10% of such width or 10 feet, whichever is less.

4. Exterior Side Yards

Every corner lot shall have an exterior side yard of not less than 8 feet, subject to the following exception:

- a.** If such corner lot is more than 50 feet in width the exterior side yard shall be 16% of such width-or 15 feet, whichever is less;
- b.** If such lot is a reversed frontage corner lot, the exterior side yard shall be not less than the greater of (A) the required exterior side yard for this district or (B) one-half of the following sum: the required exterior side yard for this district plus the front yard of the lot whose front lot line is substantially a continuation of the exterior side lot line of such reversed frontage corner lot; and
- c.** If such corner lot is a lot of record prior to the effective date of this Zoning Ordinance, the buildable width of such corner lot need not be reduced to less than 25 feet, except where necessary.

C. Lot Coverage

The principal building shall not cover more than 45% of the lot. All buildings, structures, service walks, driveways and areas devoted to parking spaces shall not cover, in the aggregate, more than 75% of the lot. The

required open space on the lot shall be landscaped so as to allow for the absorption of moisture.

3.6.3 R-7 Multiple-Family District

The regulations of this district are intended to protect existing multiple-family dwellings, to provide guidelines for development of modern multiple-family dwellings in buildings of a moderate density and to permit compatible development. Special use regulations applicable to this district implement the Comprehensive Plan by authorizing planned residential developments that benefit the Village without undue detriment to surrounding land uses.

A. Bulk Regulations

1. Minimum Lot Size And Intensity Of Use

- a.** For single-family dwellings, churches and temples, public libraries, parks, play grounds, swimming pools and other recreational facilities and community buildings—publicly owned and operated, schools, and duly licensed foster homes; not less than 3,500 square feet of land; except churches and temples, public libraries and schools, not less than 10,000 square feet of land.
- b.** For two-family dwellings and multiple-family dwellings: not less than 5,000 square feet of land in the case of 2 dwelling units, plus an additional minimum of 700 square feet of land for each dwelling unit in excess of 2.
- c.** For group quarters, rooming houses and boarding houses, as permitted in this district: A minimum of 400 square feet of land per bed, but not less than 7,000 square feet of land shall be provided.

2. Building Height

No building or structure shall exceed 45 feet in height; provided however, schools, churches and temples may be erected to a height not exceeding 55 feet, on the condition that such school, church or temple shall be set back at least one additional foot from each required setback for each 2 feet of additional building height above the basic 45 feet height limitation.

B. Required Yards

1. Front Yards

Not less than 20 feet. Where a lot is a through lot, the required front yard shall be provided on both streets.

2. Rear Yards

Twenty-five feet or 20% of the depth of the lot, whichever is less.

3. Side Yards

Not less than 5 feet, provided in the case of lots of more than 50 feet in width each side yard shall be 10% of such width or 10 feet, whichever is less.

4. Exterior Side Yards

Every corner lot shall have an exterior side yard of not less than 8 feet, subject to the following exceptions:

- a.** If such corner lot is more than 50 feet in width the exterior side yard shall be 16% of such width or 15 feet, whichever is less;
- b.** If such corner lot is a reversed frontage corner lot, the exterior side yard shall be not less than the greater of (A) the required exterior side yard for this district or (B) one-half of the following sum: the required exterior side yard for this district, plus the front yard of the lot whose front lot line is substantially a continuation of the exterior side lot line of such reversed frontage corner lot; and
- c.** If such corner lot is a lot of record prior to the effective date of this Zoning Ordinance, the buildable width of such corner lot need not be reduced to less than 25 feet, except where necessary to provide an exterior side yard with a depth of not less than 5 feet.

C. Lot Coverage

The principal building shall not cover more than 45% of the lot. All buildings, structures, service walks/ driveways and areas devoted to parking spaces shall not cover, in the aggregate, more than 75% of the lot. The required open space on the lot shall be landscaped so as to allow for the absorption of moisture.

3.7 HOSPITAL DISTRICT REGULATIONS

The regulations of this district are intended to promote the orderly expansion and clustering of major health care facilities a key service for the residents of the Village.

A. Bulk Regulations

1. Minimum Lot Size And Intensity Of Use

For uses, permitted in this district, a minimum of 400 square feet of land per bed, but not less than 7,000 square feet of land shall be provided.

2. Building Bulk

The bulk of all buildings and structures on the lot shall not exceed a maximum floor area ratio of 4 or height of 125 feet, whichever is less.

B. Required Yards

For all lots in this district, no yards shall be required, except:

1. Where a lot abuts upon a street, a minimum yard of 20 feet as measured from the lot line abutting said street shall be required;
2. Where a lot is adjacent to a residential district and is separated from such residential district by an alley, a minimum yard of 20 feet as measured from the lot line adjacent to such residential district shall be required; and
3. Where a lot abuts upon a residential district and is not separated from such residential district by a street or alley, a minimum yard of 30 feet as measured from the lot line abutting such residential district shall be required.

C. Lot Coverage

For lots located in this district, all buildings, structures, service walks, driveways, and areas devoted to parking spaces shall not cover, in the aggregate, more than 80% of the lot. The required open space on the lot shall be landscaped so as to allow for the absorption of moisture.

3.8 COMMERCIAL DISTRICT REGULATIONS

3.8.1 B-1/B-2 General Business District Regulations

Commentary: Because the B-1 and B-2 Districts are virtually identical, they have been combined.

The regulations of this district are intended to protect the predominantly office-service- retail character of certain areas, to provide guidelines for development of similar business uses and to permit compatible development. See Section 3.9.2 for additional regulations applicable to commercial uses in the Gateway Overlay District.

A. Bulk Regulations

1. Minimum Lot Size And Intensity Of Use

- a.** For uses permitted in a residential district (and where a lot is devoted to a combination of uses permitted in a residential district and business uses permitted in Sections 3.1—~~permitted uses in the B-1/B-2 zone district~~), **(Note: In the existing code, undertaking establishments, upholstery shops, video rental stores and accessory buildings and structures are not included in this list. Was the omission**

~~of these uses~~ intended or accidental?) the lot size and intensity of use regulations established for the R-7 District (Section 3.5.3.A) shall apply.

- b.** For lots devoted exclusively to business uses ~~permitted in Section 3.1—permitted uses in the B-1/B-2 zone district, (Note: In the existing code, undertaking establishments, upholstery shops, video rental stores and accessory buildings and structures are not included in this list. Was the omission of these uses intended or accidental?) there shall be no minimum lot size or intensity of use regulations.~~
- c.** For hotels, a minimum of 360 square feet of land per guest room, but not less than 7,000 square feet of land shall be provided. For hotels in combination with a use permitted in a residential district, the greater minimum lot size requirements shall apply, and both intensity of use requirements shall apply.
- d.** For long-term care facilities: a minimum of 400 square feet of land per bed, but not less than 7000 square feet of land shall be provided.

2. Building Height

No building or structure shall exceed 45 feet in height; provided, however, schools, churches and temples permitted in this district may be erected to a height not exceeding 55 feet, on the condition that such school, church or temple shall be set back at least one additional foot from each required setback for each 2 feet of additional building height above the basic 45 feet height limitation.

B. Required Yards

- 1.** For uses permitted in any residential district (and for lots devoted to a combination of uses permitted in a residential district and business uses permitted in Section 3.1—permitted uses in the B-1/B-2 zone district), ~~(Note: In the existing code, undertaking establishments, upholstery shops, video rental stores and accessory buildings and structures are not included in this list. Was the omission of these uses intended or accidental?)~~ the yard regulations established for the R-7 District (Section 3.5.3.B) shall apply.
- 2.** For all other uses permitted in this district, no yards shall be required except:

- a. Where frontage in the block is partly in this district and partly in a residential district, a minimum yard of 5 feet from the street line of such frontage shall be required;
- b. Where a lot is adjacent to a residential district and is separated from such residential district by an alley, a minimum yard of 10 feet as measured from the lot line adjacent to such residential districts shall be required; and
- c. Where a lot abuts upon a residential district and is not separated from such residential district by an alley, a minimum yard of 15 feet as measured from the lot line abutting such residential district shall be required.

C. Lot Coverage

- 1. For lots devoted exclusively to any use permitted in a residential district, the lot coverage regulations established for the R-7 District Section 3.5.3.C shall apply.
- 2. For lots devoted to a combination of uses permitted in a residential district and business uses permitted in Section 3.1—permitted uses in the B-1/B-2 zone district, ~~(Note: In the existing code, mortuaries, upholstery shops, video rental stores and accessory buildings and structures are not included in this list. Was the omission of these uses intended or accidental?)~~ 25% of the lot area must remain open space, which open space shall be exclusive of all buildings, structures, service walks, driveways, and areas devoted to parking spaces, and which shall be furnished at ground level and landscaped to provide for the absorption of moisture.
- 3. For all other uses permitted in this district, no such regulations shall apply.

3.8.2 B-3 Central Business District Regulations

The regulations of this district are intended to identify the central business and to provide for concentrated retail, office, and service uses. Special use regulations applicable to this district implement the Comprehensive Plan by authorizing planned developments which provide the major shopping and office center with residential uses mixed with compatible business uses in unified developments which benefit the Village without undue detriment to surrounding land uses. **See Section 3.9.2 for additional regulations applicable to commercial uses in the Gateway Perimeter Overlay District.**

A. Bulk Regulations

- 1. **Minimum Lot Size And Intensity Of Use**

- a. For uses permitted in a residential district (and where a lot is devoted to a combination of uses permitted in a residential district and business uses permitted in Section 3.1—permitted uses in the B-3 zone district above), with the exception of ~~undertaking establishments, upholstery shops, video rental stores and accessory buildings and structures~~ (**Note: was the omission of these uses intended or accidental?**) - the lot size and intensity of use regulations established for the R-7 District (Section 3.5.3.A) shall apply.
- b. For lots devoted exclusively to business uses permitted in Section 3.1—permitted uses in the B-3 zone district, (**Note: In the existing code, mortuaries, upholstery shops, video rental stores and accessory buildings and structures are not included in this list. Was the omission of these uses intended or accidental?**)—except as provided in paragraph (c) below, there shall be no minimum lot size or intensity of use regulations.
- c. For hotels, a minimum of 360 square feet of land per guest room, but not less than 7,000 square feet of land shall be provided. For hotels in combination with a use permitted in a residential district, the greater minimum lot size requirement shall apply, and both intensity of use requirements shall apply.
- d. For long-term care facilities: a minimum of 400 square feet of land per bed, but not less than 7,000 square feet of land shall be provided.

2. Building Height

No building or structure shall exceed 60 feet in height.

B. Required Yards

1. For uses permitted in any residential district (and for lots devoted to a combination of uses permitted in a residential district and business uses permitted in Section 3.1—permitted uses in the B-3 zone district) (**Note: In the existing code, mortuaries, upholstery shops, video rental stores and accessory buildings and structures are not included in this list. Was the omission of these uses intended or accidental?**) -- the yard regulations established for the R-7 District Section 3.5.3.B shall apply.
2. For all other uses permitted in this district, no yards shall be required except:

- a. Where frontage in the block is partly in this district and partly in a residential district, a minimum yard of 5 feet from the street line of such frontage shall be required;
- b. Where a lot is adjacent to a residential district and is separated from such residential district by an alley, a minimum yard of 10 feet as measured from the lot line adjacent to such residential district shall be required; and
- c. Where a lot abuts upon a residential district and is not separated from such a residential district by an alley, a minimum yard of 15 feet as measured from the lot line abutting such residential district shall be required.

C. Lot Coverage

1. For lots devoted exclusively to any use permitted in a residential district, the lot coverage regulations established for the R-7 District Section 3.5.3.C shall apply.
2. For lots devoted to a combination of uses permitted in a residential district and business uses permitted in Section 3.1—permitted uses in the B-3 zone district. ~~(Note: In the existing code, undertaking establishments, upholstery shops, video rental stores and accessory buildings and structures are not included in this list. Was the omission of these uses intended or accidental?)~~ 25% of the lot area must remain open space, which open space shall be exclusive of all buildings, structures, service walks, driveways and areas devoted to parking space, and which shall be furnished at ground level and landscaped to provide for the absorption of moisture.
3. For all other uses permitted in this district, no such regulation shall apply.

3.8.3 B-4 Downtown Business District Regulations

The regulations of this district are intended to identify the Oak Park Downtown business district and to provide for the most concentrated retail, office and service uses in the Village. Special-use regulations applicable to this district implement the Comprehensive Plan by authorizing planned developments which provide the major shopping and office center with maximum density residential uses mixed with compatible business uses in unified developments which benefit the Village without undue detriment to surrounding land uses. Parking and open space regulations for this district recognize its unique requirements as a pedestrian-oriented shopping area and its location relative to public parking facilities. In addition, uses on the ground floor, on lots of record abutting the pedestrian mall and pedestrian-oriented rights-

of-way, are limited to retail: and retail-oriented service uses in order to foster the retail atmosphere of the heart of Downtown Oak Park. **See Section 3.9.2 for additional regulations applicable to commercial uses in the Gateway Perimeter Overlay District.**

A. Bulk Regulations

1. Minimum Lot Size And Intensity Of Use

- a.** Except as provide in (c), below, where a lot is devoted to a combination of **residential, commercial, and special uses permitted in the B-4 district**, ~~uses permitted in a residential district and business use permitted in Section 3.1—permitted and special uses in the B-4 zone district, as permitted in this district,~~ the lot size and intensity of use regulations established for the R-7 District (Section 3.6.3.A) shall apply.
- b.** Except as provided in (c), below, for lots devoted exclusively to business uses permitted in Section 3.1—permitted and special uses in the B-4 zone district above, there shall be no minimum lot size or intensity of use regulations.
- c.** For hotels, a minimum of 360 square feet of land per guest room, but not less than 7,000 square feet of land shall be provided. For hotels in combination with a use permitted in a residential district, the greater minimum lot size requirement shall apply, and both intensity of use requirements shall apply.
- d.** For long-term care facilities: a minimum of 400 square feet of land per bed, but not less than 7,000 square feet of land shall be provided.

2. Building Height

No building shall exceed 125 feet in height.

B. Required Yards

No yards shall be required except:

- 1.** Where frontage in the block is partly in this district and partly in a residential district, a minimum yard of 5 feet from the street line of such frontage shall be required;
- 2.** Where a lot is adjacent to a residential district and is separated from such residential district by an alley, a minimum yard of 10 feet as measured from the lot line adjacent to such residential district shall be required; and

3. Where a lot abuts upon a residential district and is not separated from such a residential district by an alley, a minimum yard of 15 feet as measured from the lot line abutting such residential district shall be required.

- C. **Lot Coverage**
No such regulations shall apply in this district.

3.8.4 C Commercial District Regulations

The regulations of this district are intended to protect areas in which the principal use of land is for commercial uses producing a high volume of vehicular traffic or requiring compatible development. **See Section 3.9.2 for additional regulations applicable to commercial uses in the Gateway Overlay District.**

A. Bulk Regulations

1. Minimum Lot Size And Intensity Of Use

- a. For uses permitted in a residential district (and where a lot is devoted to a combination of uses permitted in a residential district and business or commercial uses permitted in Section 3.1—permitted uses in the C zone district) ~~(Note: In the existing code, welding shops, wholesale bakeries, and accessory buildings and structures are not included in this list. Was the omission of these uses intended or accidental?)~~ - the lot size and intensity of use regulations established for the R-7 District Section 3.6.3.A shall apply.
- b. For lots devoted exclusively to business or commercial uses permitted in Section 3.1—permitted uses in the C zone district, ~~(Note: In the existing code, welding shops, wholesale bakeries, and accessory buildings and structures are not included in this list. Was the omission of these uses intended or accidental?)~~ there shall be no minimum lot size or intensity of use regulations.
- c. For hotels, a minimum of 360 square feet of land per guest room, but not less than 7,000 square feet of land shall be provided. For hotels, in combination with a use permitted in a residential district, the greater minimum lot size requirement shall apply, and both intensity of use requirements shall apply.
- d. For long-term care facilities: a minimum of 400 square feet of land per bed, but not less than 7,000 square feet of land shall be provided.

2. Building Height

No building or structure shall exceed 50 feet in height, provided, however, schools, churches, temples and institutions may be erected to a height not exceeding 60 feet on the condition such school, church, temple, or institution shall be set back at least one additional foot from each required setback for each 2 feet of additional building height above the basic 50 foot height limitation.

B. Required Yards

1. For uses permitted in any residential district (and for lots devoted to a combination of uses permitted in a residential district and business uses permitted in Section 3.1—permitted uses in the C zone district) ~~(Note: In the existing code, welding shops, wholesale bakeries, and accessory buildings and structures are not included in this list. Was the omission of these uses intended or accidental?)~~ -- the yard regulations established for the R-7 District Section 3.6.3.B shall apply.

2. For all other uses permitted in this district, no yards shall be required except:

a. Where frontage in the block is partly in this district and partly in a residential district, a minimum yard of 5 feet from the street line of such frontage shall be required;

b. Where a lot is adjacent to a residential district and is separated from such residential district by an alley, a minimum yard of 10 feet as measured from the lot line adjacent to such residential district shall be required; and

c. Where a lot abuts upon a residential district and is not separated from such a residential district by an alley, a minimum yard of 15 feet as measured from the lot line abutting such residential district shall be required.

C. Lot Coverage

1. For lots devoted exclusively to any use permitted in a residential district, the lot coverage regulations established for the R-7 District Section 3.6.3.C shall apply.

2. For lots devoted to a combination of uses permitted in a residential district and ~~business~~ and commercial uses permitted in Section 3.1—permitted uses in the C zone district, ~~(Note: In the existing code, welding shops, wholesale bakeries, and accessory buildings and structures are not included in this list. Was the omission of these uses intended or accidental?)~~ 25% of the lot area must

remain open space, which open space shall be exclusive of all buildings, structures, service walks, driveways and areas devoted to parking spaces, and which shall be furnished at ground level and landscaped to provide for the absorption of moisture.

3. For all other uses permitted in this district, no such regulation shall apply.

3.9 OTHER DISTRICTS

3.9.1 Planned Development

- A. One of the principal objectives of the Zoning Ordinance is to provide for a compatible arrangement of uses of land and buildings that is consistent with the requirements and welfare of the Village. To accomplish this objective, most uses are classified as permitted or special uses in one or more of the districts established by the Zoning Ordinance. It is recognized, however, that there are certain uses, whether or not designated as permitted or special, which because of their scope, location or specific characteristics give rise to a need for a more comprehensive consideration of their impact, both with regard to the neighboring land and the Village in general. Such uses, as fall within the provisions of this Section, shall only be permitted if authorized as a planned development.
- B. The Board of Trustees, in accordance with the procedures and standards set forth in this Section, may grant planned development permits authorizing the establishment of planned developments.
- C. Planned developments will generally be limited to those uses or combination of uses currently permitted in the underlying zoning district. However, an applicant may petition for consideration of a use or combination of uses not specifically allowed in the underlying zoning district provided that the Village Board finds that the conditions, procedures and standards of this Section are met and provided further that such use or combination of uses is shown to be beneficial to the Village.
- D. It is the purpose of planned developments to enable the granting of certain allowances or modifications from the basic provisions of the Zoning Ordinance to achieve attractive and timely development in furtherance of the Village's objectives and proposed land uses as stated in the Comprehensive Plan.
- E. Through the flexibility of the planned development process, the Village seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than may be possible through strict application of other Village land use regulations.
2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
3. Combination and coordination of the character, the form and the relationship of structures to one another.
4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features.
5. The beneficial use of open space.
6. Encouragement of land uses or combination of uses that maintain the existing character and property values of the Village and promote the public health, safety, comfort and general welfare of its residents.
7. Promotion of long-term planning pursuant to a site plan that will allow harmonious and compatible land uses or combination of uses with surrounding areas.
8. Promotion of economic development in the Village.

F. General Provisions:

1. Other than Senior Citizen Multiple Family Dwelling Developments which meet the requirements for a special use permit pursuant to Section 4.3.2.B to Y, no development of thirty thousand (30,000) square feet or more of land area or gross floor area of which at least fifty percent (50%) of the land is located in any non-residential district except the H zoned district which requires site development allowances shall be permitted unless approved as a planned development in accordance with the provisions of this Section. Along any portion of any planned development that is adjacent to a residential district and is not separated from such residential district by a street or alley, a landscape buffer shall be provided.
2. The development of any parcel or tract of land in any zoning district, of 10,000 square feet or more of land area or gross floor area which requires site development allowances, may be submitted to the Village for consideration as a planned development.
3. Site development allowances, i.e., any zoning relief, including any deviation from the Zoning Ordinance provisions for the underlying zoning district, may be approved provided the applicant specifically

identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development and is in furtherance of the stated objectives of this Section.

4. Each planned development shall be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a development upon an already existing planned development except to the extent such development has been approved as part of a site plan.
5. The burden of providing evidence and persuasion that any planned development permit meets the standards set forth below shall, in every case, rest with the applicant.
6. Buildings and uses or combination of uses within a planned development shall be limited solely to those approved as part of the zoning ordinance granting a planned development permit.

G. Procedures for Review

See Section 2.2.7.

H. Standards For Review:

An application for approval as a planned development shall be granted by the Board of Trustees only if it finds that the applicant has demonstrated that the proposed use or combination of uses satisfies the following standards:

1. Comprehensive Plan Standards

The proposed use or combination of uses is consistent with the goals and objectives of the Comprehensive Plan.

2. Municipal Services Standards

- a. The establishment, maintenance, or operation of the use or combination of uses will not be materially detrimental to or endanger the public health, safety, morals or general welfare of the residents of the Village.
- b. Adequate utilities, road access, drainage, police and fire service and other necessary facilities already exist or will be provided to serve the proposed use or combination of uses, including access for fire, sanitation, and maintenance equipment.
- c. Adequate ingress and egress to the proposed use or combination of uses already exists or will be provided in a manner that adequately addresses additional traffic

congestion in the public streets and promotes a safe and comfortable pedestrian environment.

3. Neighborhood Standards

- a.** The proposed use or combination of uses will not substantially diminish the use or enjoyment of other property in the vicinity for those uses or combination of uses that are permitted by the Zoning Ordinance of the Village.
- b.** The proposed use or combination of uses will not have a substantial adverse effect upon property values in the vicinity.
- c.** The proposed design, use or combination of uses will complement the character of the surrounding neighborhood.

4. Economic Development Standards

- a.** The applicant has the financial and technical capacity to complete the proposed use or combination of uses.
- b.** The proposed use or combination of uses is economically feasible and does not pose a current or potential burden upon the services, tax base, or other economic factors that affect the financial operations of the Village, except to the extent that such burden is balanced by the benefit derived by the Village from the proposed use.

3.9.2 Gateway-Perimeter Overlay District (NEW)

A. Purpose

The gateways to Oak Park, consisting of the primary vehicular entryways to the Village and the blocks around the periphery of the community, are important assets. They create the first impression of the Village for visitors, provide buffers between high-volume arterials and residential development, and provide significant revenues to fund Village governmental functions. Today, the gateways are under pressure from a proliferation of certain types of land uses that threaten to crowd out desirable retail uses that serve Village residents, the introduction of undesirable land uses, inappropriate signage, and other visual intrusions.

In recognition of the importance of the gateways to the residents of the Village, its economic vitality and image, and the growing number of threats to this area, the Gateway District is created to:

- 1.** Encourage a mix of desirable retail uses;
- 2.** Improve the visual quality of the Gateway area;

3. Protect adjacent residential areas; and
4. Restrict undesirable signage.
5. Limit undesirable uses;

B. Boundaries

The boundaries of the **Gateway Perimeter** District shall be as depicted on the official “Zoning Map” as provided in Section 3.2 of this ordinance. Generally, the district shall include all properties that front on the four primary peripheral arterials that surround the Village (Roosevelt Road, Austin Boulevard, Harlem Avenue, and North Avenue) and shall extend one block into the interior of the Village from these four arterials.

C. Applicability/Review Procedures

The standards contained in this Section shall apply only to applications for commercial development or commercial building permits within the **Gateway Perimeter** District. Applications shall be reviewed in accord with the normal procedures of the Village, and any decision-making authority, including but not limited to the Village Manager, Plan Commission, and Village Board shall determine that the requirements of this Section are complied with prior to the issuance of any approval or permits

D. Relationship To Other Zoning Districts

The regulations of the **Gateway Perimeter** District shall supplement and be in addition to those of the underlying base zoning districts that currently apply to properties within the **Gateway Perimeter** District. In the case of any conflict or overlap, the regulations and standards of this Section shall take precedence.

E. Bulk and Yard Regulations

The bulk and yard regulations of the underlying zoning district shall apply.

F. Use Regulations

Land may be used and structures may be erected, altered, or enlarged for uses allowed in the underlying zoning district, except as provided below:

G. Uses Prohibited

The following uses are prohibited within the **Gateway Perimeter** District:

1. Laundromats and Launderettes
2. Second Hand and Pawn Shops
3. Currency Exchanges

4. Adult Uses
5. Loan Companies
6. Employment Agencies

H. Uses Permitted Subject to Additional Regulations

The following uses are permitted in the Gateway Perimeter District, subject to additional regulations:

1. Beauty Supply Shops shall not be located within five hundred feet of a similar use.

I. Development Standards

In addition to other standards contained in this Ordinance, all development shall meet the following standards:

1. Hours of Operation

Hours of operation shall be limited to between 6 a.m. and 12 p.m. for any use. Options: Limit hours of operation for any use within 500 feet of a residential district or structure or limit hours of operation for specific uses such as restaurants.

2. Screening

In addition to the parking lot landscaping/screening requirements contained in Section 6.4.3, ornamental metal fencing or a masonry wall shall be installed around the perimeter of all parking lots or all lots adjacent to **North Avenue, Harlem Avenue, Austin Boulevard, and Roosevelt Road, 4 main arterials** and shall meet the specifications in Section 6.4.3.C.

3. Illumination

No building or windows shall be outlined in any type of neon or illuminated tubing or other illuminating device. (See Section 7.3.2 of the Village of Oak Park Sign Code.)

4. Window Signage

Limited to 25% or less of the window area ~~or none if it fronts on an arterial.~~

5. Flashing Lights

No flashing, blinking, or changeable copy commercial signs shall be allowed. This restriction does not apply to non-commercial time and temperature displays.

3.9.3 Historic Preservation District

All development shall meet the standards and requirements for preservation of historic structures set forth in _____ of the Village Code in addition to all applicable requirements of this zoning ordinance.

ARTICLE 4. USE REGULATIONS

4.1 GENERAL USE REGULATIONS

All buildings or structures erected hereafter, all uses of buildings, structures or land established hereafter, all structural alteration or- relocation of existing buildings or structures occurring hereafter, and all enlargements of, or additions to, existing uses occurring hereafter shall be subject to all those regulations of this Zoning Ordinance which are applicable to the zoning district in which such buildings, structures or land shall be located, including without limitation, the following:

- A. Subject to the provisions of Article 5, no building or structure shall hereafter be erected or altered:
 - 1. To be used for any use not permitted in the zoning district in which it is located;
 - 2. To occupy a smaller lot or to be used for a greater number of dwelling units than the intensity of use regulations permit;
 - 3. To occupy a-greater percentage of lot area than the lot coverage regulations permit;
 - 4. To have a narrower or smaller front yard, rear yard, side yard or other open space than the area regulations require;
 - 5. To be higher than the height regulations permit; or
 - 6. To be occupied or used in any other manner contrary to the regulations of this Zoning Ordinance.
- B. No lot in any residential district, and no lot in any other district used for residential purposes, shall be reduced or sub-divided so as to produce or result in a lot with a width of less than 50 feet at the front lot line in the R-1 and R-2 Districts, 40 feet at the front lot line in the R-3 and R-5 Districts, or 30 feet at the front lot line in the R-4 and R-6 Districts or any less restrictive districts. Division of ownership of single-family attached dwellings erected in compliance with this ordinance, and division of ownership of the lot upon which such single-family attached dwelling are situated into smaller lots or parcels, shall not be deemed to result in a violation of this Ordinance if appropriate land covenants for maintenance and repair of the entire structure, and appropriate easements for ingress, egress and utilities, shall be established.
- C. No part of any yard, or other open space, or off-street parking space required in connection with any building, structure or use for the purpose of complying with this Zoning Ordinance, shall be encroached upon or

included as part of a yard, open space, or off-street parking space similarly required for any other building, structure or use.

- D.** No reduction of any required lot area, required yards or required off-street parking space, and no circumvention of any other requirement of this Zoning Ordinance, shall be made by subdivisions, conveyance, alienation or any other means.
- E.** Provided, however, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Zoning Ordinance, and provided that construction is begun within 6 months of the date of issuance of such permit and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and said building or structure may upon completion be occupied under a Certificate of Zoning Compliance for the use originally designated in said permit, subject thereafter to the provisions of Article 5.

4.2 USES PERMITTED IN ALL DISTRICTS

- A.** The following public utility and municipal uses are permitted in all districts: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment; provided that installation shall conform with rules and regulations of the applicable administrative authorities.
- B.** Unless otherwise specifically provided in this Zoning Ordinance, any government activity, owned or operated by any governmental agency, is a permitted use in any district but such use must conform to other requirements herein set forth for the district in which it is located.

4.3 UNLAWFUL USES

Any building, structure or use which was unlawfully existing on the effective date of this Zoning Ordinance shall remain unlawful unless it is clearly permitted by reason of the adoption of this Zoning Ordinance, and to the extent that said unlawful building, structure or use is in conflict with the provisions of this Zoning Ordinance, said building, structure, or use remains unlawful hereunder.

4.4 SPECIAL USES

4.4.1 Purpose

One of the principal objectives of this Zoning Ordinance is to provide for a compatible arrangement of uses of land and buildings consistent with the requirements and welfare of the Village. To accomplish this objective, most types and kinds of uses are classified as permitted in one or more of the districts

established by this Zoning Ordinance. The uses set forth in this Section, however, because of their unique characteristics, only can be located properly in some district or districts upon consideration in each case of the impact of such a use upon neighboring land and of the public need for such a use at the particular location. Such uses, hereby designated as special uses, fall into two categories:

- A.** Uses either municipally operated, or operated by regulated public utilities or uses traditionally affected with a public interest; and
- B.** Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

4.4.2 Authorized Special Uses

The following special uses shall be authorized in the districts hereinafter indicated subject to the provisions of Section 2.2.3. All other applicable provisions of this Zoning Ordinance, including those of the district in which the proposed special use is to be located, shall apply, except as expressly modified by the terms of the special use permit - in order to comply with the standards set forth in Section 2.2.3.D.

A. Accessory Use Tour Houses

In the R-7 or more restrictive districts, Tour Houses shall be permitted as an accessory use, subject to the following conditions:

- 1.** No such Tour House shall be located less than 500 feet from a House Museum or another Tour House provided, however, that this spacing requirement may be waived and a special use permit issued by a two thirds (2/3) vote of the President and Board of Trustees, if the President and Board of Trustees find that the cumulative effect of such uses would not alter the residential character of the neighborhood and the operation of same would not have an adverse impact on surrounding properties. For purposes of this Section, the distance between an existing House Museum or Accessory Use Tour House permitted as a special use and a proposed Accessory Use Tour House special use shall be determined by measuring, along street lines, the shortest possible distance between the zoning lots containing the existing and proposed special uses. Measurements across streets and/or alleys for this purpose shall be made at ninety degree (90) angles to such streets and/or alleys.
- 2.** No Tour House shall be open to the public more than six days per week, and no Tour House shall be open to the public earlier than 10 A.M. or later than 5 P.M. on any given day. The applicant for the special use permit shall submit a plan at the time of submission of the special use permit application which describes the activities planned

under the proposed use, including the number of annual tours planned and the distribution of those tours throughout the days and weeks of the year.

3. No ancillary commercial operations or retail sales shall be permitted, except that souvenirs and mementos which portray a likeness or image of the Tour House or some portion thereof, or convey information specifically related to the Tour House as the primary content of such souvenir or memento may be sold within the Tour House by the owner/resident of the Tour House to members of the public touring such Tour House. A token souvenir, such as a postcard or poster, may be offered without charge by the owner/resident of a Tour House to each member of the public touring the Tour House. The maximum floor area within the Tour House devoted to the sale of such souvenirs and mementos shall be no greater than fifty (50) square feet.
4. No food service to members of the public touring a Tour House shall be permitted.
5. No permit shall be issued for this special use unless the applicant is licensed by the Village to operate an Accessory Use Tour House within the village. For purposes of this Section, the license shall be deemed to have been issued if approval of the license is given by the Village, contingent only upon the issuance of the special use permit for same.
6. No permit issued for this special use shall be transferable to a subsequent owner of the property or any other party.

B. Air Space

Buildings or uses located in air space over railroads or expressway rights of way may be used in accordance with the uses there permitted.

C. Assembly and Packaging Plants

Assembly and Packaging Plants shall be permitted as a special use in the C District.

D. Bank Drive-In Facilities

In the R-7 or more restrictive district, this type of use shall be permitted as a special use provided the lot abuts upon a B-1 or less restrictive district or is adjacent thereto and is separated from such B-1 or less restrictive district by a street or alley, and provided further that the lot is not more than 250 feet from the lot on which the principal bank building is located.

E. Car Washes

Car Washes shall be permitted as a special use in the C or the I District, subject to the following regulations:

1. The car wash operation shall be conducted in a wholly enclosed building;
2. The open area on the same lot as the principal building shall be sufficient in size to accommodate the automobiles waiting to enter and leaving the building and shall be approved by the Village Manager as to construction, location, adequate drainage, lighting and safety.

F. Church Buildings

Church buildings devoted to recreational or administrative activities or to group activities, other than attending church, located on a lot other than that containing the principal church building, in the R-7 or more restrictive district shall be permitted as a special use.

G. Day-Care Centers

Duly licensed Day Care Centers in the R-7 or more restrictive district shall be permitted as special uses.

H. Earth Stations

Earth Stations exceeding the provisions of Section 4.4.4 shall be permitted as special uses, provided the President and Board of Trustees determine that it is impractical to construct the earth station according to provisions of Section 4.4.4, and that the earth station will not unduly detract from the character of the neighborhood or the enjoyment of adjacent properties.

I. Family Residential-Care Homes

Family Residential-Care Homes located less than the minimum required distance from another Residential-Care Home shall be permitted as special uses, provided:

1. The President and Board of Trustees find that the cumulative effect of such uses would not alter the residential character of the neighborhood, would not create an institutional setting, and its operation would not create an adverse effect on surrounding properties or existing community recreational or social-service facilities;
2. The homes or their operators are duly licensed or certified as required by State law; and

3. Prior to occupancy, a Certificate of Zoning Compliance is applied for and received.

J. Group Residential-Care Home

Group Residential Care Homes shall be permitted as special uses except in the H District subject to the following conditions:

1. No such Home shall be located less than 1000 feet from another Residential-Care Home; provided however, that this spacing requirement may be waived if the President and Board of Trustees find that the cumulative effect of such uses would not alter the residential character of the neighborhood, would not create an institutional setting, and by its operation would not create an adverse effect on surrounding properties or existing community recreational and social service facilities.
2. Each home or its operator shall secure any required licenses or certifications in a timely manner; and, prior to admitting residents, the operator of such Home, shall demonstrate that the dwelling unit will comply with all applicable licensing and code standards.
3. Applicant shall submit a statement of the exact nature of the Home, the qualifications of the agency that will operate the Home, the number and type of personnel who will be employed, and the number and nature of the residents who will live in the Home.
4. The Home shall, to the extent possible, conform to the type and outward appearances of the residences in the area in which it is located.
5. Prior to occupancy, a Certificate of Zoning Compliance is applied for and received.

K. Helicopter Landing Stations

Helicopter Landing Stations shall be permitted as special uses in the B-1 or less restrictive districts.

L. House Museums and Administrative Offices

House Museums and Administrative Offices for such uses shall be permitted as special uses, provided that said offices are on the same or adjacent lot in the R-7 or more restrictive district.

M. Incinerators

Incinerators owned or operated by the Village shall be permitted as special uses.

N. Institutions

Institutions for the residence and care of children and adults, duly licensed, including boarding schools and special training schools for children shall be permitted as special uses in all districts except the H and I Districts.

O. Medical Services

1. Medical service uses such as dormitories and residences for hospital personnel, medical or dental offices, clinics and laboratories, pharmacies and medical supply stores in the H District; for dwelling units authorized pursuant to a special use permit, not less than 5000 square feet of land, plus an additional minimum of 700 square feet of land for each dwelling unit in excess of 2, shall be provided. For dormitory units authorized pursuant to a special use permit a minimum of 400 square feet of land for each bed, but not less than 7000 square feet of land, shall be provided.
2. Uses accessory to a principal medical service use located on a lot in an H District other than the lot on which such principal use is located.

P. Parish Houses, Convents, and Rectories

Parish Houses, Convents, and Rectories housing not more than 15 persons, shall be permitted as an accessory use to a church or temple and on the same lot or within 250 feet of the lot containing the church or temple.

Q. Parking Lots, Off-Street

Off-street Parking lots shall be permitted as special uses as set forth in Section 6.3 hereof, subject to the regulations contained in Section 6.2.1.

R. Planned Developments

Planned Developments as defined in Article 9 shall be permitted as special uses subject to the additional standards and procedures of Sections 2.2.7 and 3.8.1.

S. Public Buildings

Public Buildings owned or operated by any governmental agency shall be permitted as special uses.

T. Public Utility Stations and Facilities

Such uses shall be permitted as special uses in the C or more restrictive districts.

U. Radio Towers

Non-accessory radio towers or those in excess of the height limits for the district in which it is located shall be permitted as special uses.

V. Radio, Television, and Other Electronic Transmitting and Receiving Devices

Radio, Television, and Other Electronic Transmitting and Receiving Devices used for commercial purposes, in the R-7 or less restrictive districts shall be permitted as special uses; provided, said special uses shall also be permitted in an R-3 District if located within 15 feet of an expressway right-of-way and adjacent to an R-7 District. For purposes of this section, adjacent shall include abutting lots and lots separated by an alley.

W. Recreation Facilities, Indoor

Such uses shall be permitted as special uses in the R-6 or less restrictive districts.

X. School Housing Facilities

Facilities owned or operated by a school that are regularly used for housing or sleeping purposes in conjunction with such school, shall be permitted as special uses in the R-6 or more restrictive districts.

Y. Senior Citizen Multiple-Family Dwellings

Such uses shall be permitted as special uses in the R-7 or less restrictive districts, excluding the H and I Districts, subject to the following provisions:

1. No senior citizen multiple-family dwelling development shall be located on a lot of less than 30,000 square feet in area.
2. A senior citizen multiple-family dwelling development may consist of one or more principal buildings.
3. Each dwelling unit located in a senior citizen multiple-family dwelling development shall be occupied only by senior citizens, which for the purposes of this Zoning Ordinance shall mean any individual who is at least 55 years of age, or any unrelated family, all the members of which are at least 55 years of age, or any related family, one spouse of which is at least 55 years of age; (except that there may be provided not more than two dwelling units for members of the development staff regardless of age), and provided, however, not to exceed 10% of the units in a senior citizen multiple-family dwelling development may be occupied by physically handicapped persons of any age. A handicapped person is defined as a person having an impairment that:
 - a. Is expected to be of long, continued and indefinite duration,
 - b. Substantially impedes his ability to live independently, and

- d. The Village shall have the right, on reasonable notice, to inspect the records of the development to verify that the provisions of this Zoning Ordinance and of the special use permit are being fulfilled.

Z. Single-Family Attached Dwellings

Such uses shall be permitted as a special use in an R-5 or more restrictive district, subject to the following provisions:

1. Groups of not more than three such dwellings may be permitted in an R-4 or more restrictive districts, and groups of not more than five such dwellings may be permitted in the R-5 District, provided that not less than the following minimum lot area is provide for each such dwelling on the lot(s):
 2. In the R-1 District: 10,000 square feet;
 3. In the R-2 District: 6200 square feet;
 4. In the R-3 District: 5000 square feet;
 5. In the R-4 District: 3500 square feet;
 6. In the R-5 District: 2500 square feet;
7. To the maximum feasible extent, the single-family attached dwelling shall be clustered together, sharing as many vertical walls as are practicable.
8. The cluster of single-family dwellings shall be designed for maximum compatibility with adjacent existing buildings.
9. For purpose of calculating required yards and land area only, a cluster of single-family attached dwellings shall be treated as a single building on a single zoning lot.

AA. Studio for a Sculptor or Artist

Such use shall be permitted as a special use in the R-7 or more restrictive districts, provided that such use may be subject to such standards as percentage of floor space to be occupied by such use, the type of equipment to be used, employees on the premises, and such other standards as may be appropriate.

4.5 ACCESSORY BUILDINGS OR STRUCTURES

4.5.1 Time Of Construction

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

4.5.2 Location

No detached accessory building or structure shall be located in any front yard or required side yard, provided, however, in a residential district, a private garage may be located in a front yard of a through lot in accordance with Section 6.2.1.E. In addition, an accessory building or structure shall be located: (a) no closer than one foot from any interior side lot line in a residential district; (b) no closer to an exterior side lot line than is required for the principal building; and (c) no closer than 4 feet from any rear lot line, provided that if there is no access on the rear side, an accessory building or structure need be set-back only one foot from the rear lot line.

4.5.3 Bulk

No detached building or structure accessory to any residential use shall occupy in the aggregate more than 20% of the total area of the zoning lot. No such detached accessory building or structure shall exceed 20 feet in height.

4.5.4 Earth Station

An earth station shall be permitted as an accessory structure, provided:

- A.** It is located in a rear yard, and:
 - 1.** For a corner lot, it is set back from a street line not less than the distance the principle building is set back,
 - 2.** Its diameter does not exceed 10 feet,
 - 3.** Its height does not exceed 12 feet,
 - 4.** It is located not less than 10 feet from any lot line abutting a residential district,
 - 5.** It is screened from any street line in a residential district by a wall, solid fence or dense shrubbery six feet in height, and
 - 6.** It is of a neutral color, with no advertisement or logos; or
- B.** It is located on the roof of a primary or accessory building, and:

1. If located on the roof of a principal or attached accessory building, it is placed on that half of the roof which is farthest from a street line,
 2. Its diameter does not exceed five feet in the R-7 or more restrictive district or ten feet in the H or less restrictive district, provided it is not closer than 25 feet to a residential district,
 3. Its total height does not exceed either the maximum height of the district in which it is located or 12 feet above the height of the building on which it is located, whichever is less, and
 4. It is of a neutral color; or
- C. It is authorized as a special use pursuant to Article 4.3.

4.6 HOME OCCUPATIONS

4.6.1 General

Home occupations are permitted in any dwelling unit as an accessory use. This use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling unit, or adversely affect the character or the uses permitted in the residential district of which it is a part.

4.6.2 Examples Of Home Occupations Permitted

The following are examples of uses that often can be conducted within the limits of the standards established in Section 4.5.3: *(Note: changes in this section are derived from the September 2000 ordinance on home occupations, not Clarion suggested changes.)*

~~A. Office for a minister, rabbi, priest or other clergyman~~

~~B. Office for a physician, dentist or other licensed medical practitioner, for consultation or emergency treatment, and offices for a lawyer, engineer, architect, accountant, realtor, insurance agent or broker, for consultation services incidental to a main office or place of business located elsewhere~~

A. Office for clergy, professional, consultant or other service related businesses, provided that client visits to such offices shall be limited to one client at a time. For purposes of this Section, "client" shall mean one or more persons meeting with the home occupation clergy, professional, consultant or other service provider with regard to a common personal or business issue, topic, project, problem, objective or need.

B. Shop for a dressmaker or tailor

- C. Studio for an artist, sculptor, or writer
- D. Teaching or other type of instruction (except nursery schools), provided that such teaching or instruction shall be limited to not more than 4 pupils at a time
- E. Rooming or boarding facilities let to not more than 2 persons by a related family living in a single-family dwelling
- F. Day care home for no more than eight (8) children, registered and duly licensed by the State of Illinois
- G. Bed and breakfast guest units in a single-family dwelling occupied by **the owner and his/her** related family, duly licensed

4.6.3 Prohibited Home Occupations

The following home occupations are prohibited:

- A. Animal hospital,
- B. Barber shop,
- C. Beauty parlor,
- D. Clinic or hospital,
- E. Mortuary,
- F. Private club,
- G. Trailer rental,
- H. Repair shop,
- I. Restaurant,
- J. Kennel, or
- K. Accessory use tour house Tourist home.

4.6.4 Standards For Home Occupations

In addition to all of the standards applicable to the district in which it is located, any home occupation shall comply with the following standards:

- A. ~~No person other than~~ **A member or** members of the immediate family occupying such dwelling **and not more than one person who is not a resident member of the immediate family** ~~shall may be employed~~ **present in the home at any given time to work** in connection with the home occupation, **provided, however, that any home occupation which employs an employee who is not a resident member of the immediate family shall provide off street parking for any such employee who drives a motor vehicle to his or her home employment.**
- B. No wholesale, jobbing, or retail business shall be permitted unless it is conducted entirely by mail and/or telephone and does not involve the receipt, sale, shipment, delivery, or storage, **manufacture or fabrication** of merchandise on or from the premises, provided, however, that **artwork and handicraft** articles ~~produced~~ **created** by the members of the immediate family residing on the premises may be sold upon the premises, **subject to the restrictions set forth in Sections .5.7-1 4.6.1 and 5.7-3(h) and (i) 4.6.4(h) and (i).**
- C. No alteration of the principal building shall be made which changes the residential character of that dwelling.
- D. Except for Bed and Breakfast establishments and Day Care Homes, no home occupation shall occupy more than 25% of the total **heated** floor area in the dwelling unit in which it is located. **For purposes of this section, a coach house shall be defined as an enclosed and heated space constructed as the second floor to a freestanding garage, located on the same zoning lot as the primary residence. The floor area of a coach house located on the same zoning lot as the principal residential building which that is maintained for the personal use of the residents of the principal residential building, shall be included in the calculation of the total floor area of the primary residence, and the floor area of any garage space shall be excluded from the total floor area of any residence for the purpose of calculating the maximum floor area of a home occupation.**
- E. Every home occupation shall be conducted entirely within the principle **residential** building ~~or private garage.~~ **except that residents of a principal residential building who also maintain a coach house on the same zoning lot for their personal use, may conduct a home occupation in not more than 25% of the combined total heated floor areas of the principal residential building and the coach house. Under the above stated conditions, the home occupation may occupy the entire coach house, as long as the home occupation does not occupy more than 25% of the combined total heated floor area of the principal residential building and the coach house. If, however, the coach house is**

occupied as an independent second residence located on the same zoning lot as the principal residential building, then a home occupation conducted by residents of the coach house shall not occupy more than 25% of the total heated floor area of the coach house.

- F. ~~No~~ outdoor storage shall be permitted.
- G. No Mechanical or electrical equipment ~~may be~~ **which that is not normally used except such type as is customary for computer, office, purely domestic or hobby purposes is prohibited.**
- H. No home occupation shall be operated in such a manner as to cause offensive: noise, vibration, smoke, heat, humidity or glare; to generate particulate or odorous matter; to create electronic interference; or in any way to cause a nuisance or safety hazard to the occupants of nearby properties.
- I. No home occupation may generate a significant increase in pedestrian or vehicular traffic for the residential district in which it is located **and shall not generate pedestrian or vehicular traffic of any kind or have any other impact of any kind on the residential neighborhood in which it is located before 8 A.M. or after 8 P.M. on any day. Home occupations may make and receive occasional mail and/or parcel deliveries but shall only do so between the hours of 8 A.M. and 6 P.M.**
- J. No use shall require internal or external alterations or involve construction features of the use of electrical or mechanical equipment that would change the required fire rating of the structure.

4.6.5 Penalty

Any person operating a home occupation in violation of Section 5.7 of the Zoning Ordinance shall be fined in accordance with the general penalty provision set forth in Section 1-1-5 of the Village Code.

4.7 PERMITTED BUILDING AND STRUCTURES IN YARDS

Every part of a yard in a residential district and every part of a required yard in a hospital, business, **or** commercial ~~or industrial~~ district shall be unobstructed and open to the sky except for such buildings and structures as are permitted by Section 4.4 and by this Section 4.6.

4.7.1 Permitted In Front Yards

A. Required Front Yards:

- 1.** Open porches, **balconies**, or terraces having a floor not more than 5 feet above grade, provided said open porches, **balconies**, or terraces, not including the steps, do not project more than 5 feet into the required front yard;
- 2.** Awnings over windows **or bay windows**, provided said awnings **and bays** do not project more than 5 feet into the required front yard;
- 3.** Canopies over entrances, provided said canopies do not project more than 4 feet into the required front yard, and provided further said canopies (i) are not more than 15 feet wide or (ii) do not extend more than 3 feet on either side of the doorway, whichever is less;
- 4.** Eaves, roof overhangs and gutters projecting not more than 4 feet into the required front yard;
- 5.** Chimneys projecting not more than 18 inches into the required front yard;
- 6.** Steps or handicap ramp 5 feet or less above grade which are necessary for access to a permitted building or structure;
- 7.** Flag poles;
- 8.** Fences and walls as permitted in The Code of the Village of Oak Park;
- 9.** Off-street parking spaces on a through lot in accordance with Section 6.2.1.E.

B. Non-Required Front Yards:

- 1.** Any building or structure permitted in a required front yard, without restriction as to width or extent of projection into the non-required front yard;
- 2.** An enclosed porch or terrace;
- 3.** Arbors and trellises;
- 4.** Any integral parts of a building or structure, ~~such as balconies or bay windows.~~

4.7.2 Permitted In Rear Yards

A. Required Rear Yards:

- 1.** Open porches or terraces having a floor not more than 5 feet above grade, provided said open porches or terraces, not including the steps, do not project more than 5 feet into the required rear yard;
- 2.** Awnings over windows provided said awnings do not project more than 5 feet into the required rear yard;
- 3.** Canopies over entrances, provided said canopies do not project more than 4 feet into the required rear yard, and provided further said canopies (i) are not more than 15 feet wide or (ii) do not extend more than 3 feet on either side of the doorway, whichever is less;
- 4.** Eaves, roof overhangs and gutters projecting not more than 4 feet into the required rear yard;
- 5.** Chimneys projecting not more than 18 inches into the required rear yard;
- 6.** Steps or handicap ramps 5 feet or less above grade which are necessary for access to a permitted building or structure;
- 7.** Arbors and trellises;
- 8.** Flag poles;
- 9.** Fences and walls as permitted in The Code of the Village of Oak Park;
- 10.** Off-street parking spaces including parking of recreational vehicles as regulated by Article 6.2, provided, however, all parking spaces shall be set back from an exterior side lot line the same distance as is required for the principal building;
- 11.** Private garages, carports, accessory sheds, tool rooms and similar accessory buildings or structures for storage;
- 12.** Breezeways or canopies connecting a private garage to the principal building, provided that all vertical sides are not more than 25% enclosed at all times (and, for the purpose of calculating required yards, such breezeways or canopies shall not be considered as part of a principal building);
- 13.** Refuse containers;

14. Swimming pools;
15. Gym sets and similar recreational equipment and laundry drying equipment;
16. Air conditioner condensing units;
17. Accessory radio towers and accessory earth stations, subject to the conditions of Section 4.4.4; and
18. Provided further that in the R-1 through R-5 zone districts on any lot wherein the rear or side lot line abuts upon an alley, no unenclosed parking space shall extend more than 30 feet from the rear lot line with the exception of those lots upon which unenclosed parking spaces are reached by means of a driveway leading from a street.

B. Non Required Rear Yards:

1. Any building or structure permitted in a required rear yard, without restriction as to width or extent of projection into the non-required rear yard;
2. An enclosed porch or terrace;
3. Any integral parts of a building or structure, ~~such as balconies or bay windows.~~

4.7.3 Permitted In Side Yards

A. Required Side Yards:

1. Eaves, roof overhangs and gutters projecting not more than ~~18~~ **24** inches into the required side yard;
2. Awnings over windows provided said awnings to not project more than 18 inches into the required side yard;
3. Canopies over entrances, provided said canopies do not project more than 18 inches into the required side yards;
4. Chimneys projecting not more than 18 inches into the required side yard;
5. Fences and walls as permitted in The Code of the Village of Oak Park; and
6. Air conditioner condensing units and accessory radio towers in an interior side yard only.

B. Non-Required Side Yards:

1. Any building or structure permitted in a required side yard, without restriction as to width or extent of projection into the non-required side yard;
2. Open porches or terraces;
3. Enclosed porches or terraces;
4. Steps which are necessary for access to a permitted building or structure;
5. Arbors and trellises;
6. Off-street parking spaces including parking of recreational vehicles as regulated by Article 6.2;
7. Private garages and carports, provided that none of such uses are permitted in any exterior side yard;
8. Breezeways or canopies connecting a private garage to the principal building, provided that all vertical sides are not more than 25% enclosed at all times (and, for the purpose of calculating required yards, such breezeways or canopies shall not be considered as part of a principal building);
9. Any integral parts of a building, such as balconies or bay windows.

ARTICLE 5. NONCONFORMING USES, LOTS, STRUCTURES

5.1 STATEMENT OF PURPOSE

It is the purpose of this Article 5 to provide for the regulation of non-conforming buildings or structures and non-conforming uses.

5.2 ORGANIZATION OF THIS ARTICLE

The foregoing statement of purpose sets forth the legislative intent of the President and Board of Trustees in enacting this Article 5. Following the general Section 5.3.1, this Article is then divided into three major parts:

- A.** The regulation of buildings and structures which do not conform to the regulations of the district in which they are located and the regulation of non-conforming uses which are located in buildings or structures which buildings or structures are designed or intended for uses not permitted in the district in which the building or structure is located. An example of such a building would be a factory building in a business or commercial district or a retail shop in a residential district (Section 5.3.2).
- B.** The regulation of non-conforming uses which are located in buildings or structures, which buildings or structures are designed or intended for a use permitted in the district in which the building or structure is located. An example would be the operation of a beauty salon within a home in a residential district (Section ~~5.3.4~~ **5.4**).
- C.** The regulation of the non-conforming use of land where only the buildings or structures are secondary to the use of open land. An example would be a junkyard or open used car lot in a residential district (Section 5.5).

The above examples are intended solely for illustrative purposes and are in no event to be deemed a limitation upon the application of this Article 5.

5.3 NONCONFORMING STRUCTURES

5.3.1 Authority To Continue Non-Conforming Buildings, Structures And Uses

Any non-conforming building or structure and any non-conforming use which existed lawfully on the effective date of this Zoning Ordinance and which remains non-conforming, and any non-conforming building or structure and any non-conforming use which shall become non-conforming upon the effective date of this Zoning Ordinance or of any subsequent amendments thereto, may be continued, subject to the regulations which follow.

5.3.2 Non-Conforming Buildings And Structures And Use Thereof

Any lawfully existing building or structure that does not conform to the regulations of the district in which it is located may be continued subject to the provisions of this Section 5.3.2.

5.3.3 Repairs And Alterations

Ordinary repairs and alterations may be made to a non-conforming building or structure. Subject to Section 5.3.6 hereof, a building or structure which is non-conforming in any manner other than use may be remodeled, restored or structurally altered if such remodeling, restoration or structural alteration does not result in any greater degree of non-conformity or if such remodeling, restoration or structural alteration is required by law or for the safety of the occupants of such building or structure.

5.3.4 Additions And Enlargements

A non-conforming building or structure that is devoted in whole or in part to a medical, service, business, commercial or industrial non-conforming use, shall not be added to or enlarged. A non-conforming building or structure which is designed or intended for a medical services, business, commercial or industrial use which is permitted in the district in which such non-conforming building or structure is located, shall not be added to or enlarged, nor shall additional off-street parking spaces be established, unless such addition, enlargement, or additional off-street parking spaces comply with all of the regulations of this Zoning Ordinance. A non-conforming building or structure which is designed or intended for residential use may be added to or enlarged, or additional off-street parking spaces may be established, provided such additions, enlargements, or additional off-street parking spaces shall comply with all of the regulations of this Zoning Ordinance; provided, however, where a residential building or structure is non-conforming as to yard requirements, any addition to or enlargement of such building or structure need be set back only to the extent necessary to preserve the established non-conforming yards, except that in no event shall such addition or enlargement be less than 3 feet from any lot line.

When a lot in any district, which is non-conforming or is improved with a building or structure designed or intended for a use permitted in the district, is added to or enlarged, the addition or enlargement to the lot shall be treated as a separate zoning lot for the purpose of computing lot coverage, provided that for all other purposes, the total lot as added to or enlarged shall be treated as a single zoning lot and the lot or any building or structure thereon shall comply with all of the applicable regulations of this Zoning Ordinance.

5.3.5 Moving

A building or structure which does not conform to all of the regulations of the district in which it is located shall not be moved in whole or part to any other location on the same lot unless every portion of such building or structure which is moved and the use thereof is made to conform to all regulations of the district.

5.3.6 Restoration Of Damaged Non-Conforming Building Or Structure

A building or structure, all or substantially all of which is designed or intended for use which is not permitted in the district in which it is located, and which is destroyed or damaged to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 50% of the cost of the replacement of the entire building or structure new, shall not be restored unless said building or structure and the use thereof shall conform to all the regulations of the district. In the event such destruction or damage is less than 50% of the cost of replacement of the entire building or structure new, no repairs or reconstruction shall be made unless a permit for such work is obtained within one year from date of the partial destruction and the work is prosecuted diligently to completion. For the purposes of this Section, cost shall be determined as of the date of destruction.

5.3.7 Discontinuance Of Non-Conforming Use Of Nonconforming Building Or Structure

A building or structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, which is or hereafter becomes vacant and remains unoccupied or is not used for a continuous period of one year, shall be presumed to have been abandoned and such building, structure or portion thereof shall not thereafter be occupied or used except as a use which conforms to the regulations of the district.

5.3.8 Expansion Of Non-Conforming Use In Non-Conforming Building

The non-conforming use of a portion of a building or structure, all or substantially all of which is designed or intended for use not permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure which is not effectively devoted to such non-conforming use upon the effective date of this Zoning Ordinance.

5.3.9 Change Of Non-Conforming Use In Non-Conforming Building

A non-conforming use of a building or structure which is designed or intended for a use not permitted in the district in which it is located shall not change to any other use except to a use which is permitted in the district.

5.3.10 Condemnation Of Non-Conforming Building Or Structures

The Village, at any time, and from time to time, by ordinance duly adopted and in accordance with the authority vested in it by Article VII of the Illinois Constitution of 1970 and the Illinois Revised Statutes may:

- 1.** Acquire by condemnation any non-conforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, and all land which is necessary or appropriate for the rehabilitation or redevelopment of the area blighted by such non-conforming building or structure;
- 2.** Remove or demolish all such non-conforming buildings or structures so acquired;
- 3.** Hold and use any remaining property for public purposes; and
- 4.** Sell, lease or exchange such property as is not held for public purposes, subject to the provisions of this Zoning Ordinance or any amendment hereto.

No such acquisition by condemnation shall be made until such time as the Community Development Department, at the request of the President and Board of Trustees, or upon its own initiative, has made a study of the area within which such non-conforming building or structure is located and has filed with the President and Board of Trustees a written report on such study with recommendations pertaining thereto.

5.4 NON-CONFORMING USE IN CONFORMING BUILDING

The lawfully existing non-conforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use which is permitted in the district in which it is located, may be continued subject to the following provisions.

5.4.1 Expansion Of Non-Conforming Use In Conforming Building

A non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure which is not effectively devoted to such non-conforming use upon the effective date of this Zoning Ordinance.

5.4.2 Discontinuance Of Non-Conforming Use In Conforming Building

If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for use permitted in the district in which it is located, is discontinued for a period of 6 consecutive months, it shall be presumed to have been abandoned and such non-conforming use shall not be renewed, and any subsequent use of the building or structure shall conform to the regulations of the district.

5.4.3 Change Of Non-Conforming Use In Conforming Building

A non-conforming use shall not be changed to any other non-conforming use when such non-conforming use is located in a building or structure that is designed or intended for a use permitted in the district.

5.5 NON-CONFORMING USE OF LAND

A non conforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued, subject to the following provisions.

5.5.1 Expansion Of Non-Conforming Use Of Land

A nonconforming use of land shall not be expanded or extended beyond the area it occupies upon the effective date of this Zoning Ordinance.

5.5.2 Discontinuance Of Non-Conforming Use Of Land

If a non-conforming use of land is discontinued for a period of 6 consecutive months, it shall be presumed to have been abandoned and such non-conforming use shall not thereafter be renewed and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

5.5.3 Change Of Non-Conforming Use Of Land

A nonconforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

5.5.4 Elimination Of Non-Conforming Use Of Land

The use of parking spaces in the R-1 through R-5 zone districts that do not conform to the 30 foot requirement of Section 4.7.2.A shall be discontinued by January 1, 1980, two years from the effective date of said requirement.

ARTICLE 6. GENERAL DEVELOPMENT STANDARDS

6.1 NUMBER OF RESIDENTIAL BUILDINGS ON A ZONING LOT

Except in the case of planned developments, no principal detached residential building may be located on the same zoning lot with any other principal building.

6.2 OFF-STREET PARKING AND LOADING (REVISED)

6.2.1 Standards For Off-Street Parking Spaces

All off-street parking spaces, whether required or permitted as an accessory use, or whether authorized as special uses and regulated pursuant to Article 4.3, shall conform to the following standards:

- A. The applicable provisions contained in The Code of the Village of Oak Park.
- B. Parking spaces in residential districts whether enclosed in a building or open shall be used only for the parking of automobiles and trucks or commercial vehicles of an Illinois license plate classification "A" or "B", except that recreational vehicles or boats may be parked in a parking space subject to the requirements of Section 4.6 and provided that:
 1. Not more than one recreational vehicle or boat shall be parked in the open: subject to the limitations of Section 6.2.2.D of this Zoning Ordinance, other recreational vehicles or boats may be parked in an enclosed area or private garage on the lot;
 - ~~2. Any parking space occupied by a recreational vehicle or boat, or major component of either, shall constitute one of the 4 maximum parking spaces permitted under Section 6.2.2.D of this Zoning Ordinance;~~
 3. The recreational vehicle or boat shall be in operable condition; if there is displayed on the unit a current State license it shall be presumed to be in operable condition;
 4. Screening of any recreational vehicle or boat parked in the open shall be allowed but not required;
 5. No recreational vehicle shall be lived in, even temporarily, while parked on the lot;
 6. No recreational vehicle or boat or accessory thereof shall be stored in a hazardous manner;

7. For a period not to exceed 24 hours prior and subsequent to a trip, a recreational vehicle or boat may be parked in the required side yard for the purpose of loading and unloading.
- C.** When, pursuant to approval by the Village Manager, an alley is used as an aisle to serve parking spaces and such alley is of insufficient width to meet the aisle requirements set forth in The Code of the Village of Oak Park, a setback from the lot line adjacent to such alley shall be provided which, when added to the width of such alley, is sufficient to meet the aforesaid aisle requirements.
- D.** Where a yard in a R-6 or less restrictive district is devoted to open off-street parking spaces and such yard abuts upon any residential district, or is separated there from by only a street or alley, a screening fence shall be erected in accordance with the following conditions and limitations:
1. The fence shall be erected along the entire distance of the parking spaces and shall be located between the edge of the parking spaces and the lot line.
 2. Open driveways through the fence shall be permitted to the extent reasonably necessary for vehicular ingress and egress.
 3. The composition of the fence shall be not more than 30% open.
 4. The fence shall not be less than 4-1/2 feet in height.
 5. If erected along the lot line, the fence shall not extend closer than 5 feet to any front lot line or exterior side lot line intersecting the lot line along which the fence is erected.
 6. The fence shall otherwise comply with the requirements set forth in The Code of the Village of Oak Park.
- E.** Where a lot located in any residential district is a through lot open off-street parking spaces or a private garage may be located in a front yard, provided such parking spaces or private garage are set back not less than 10 feet from the front lot line and the area between the parking spaces and the front lot line is landscaped so as to allow for the absorption of moisture, and provided further the site plan is approved by the Village Manager. In order to approve a site plan the Village Manager must first determine that the plan so far as practicable, is consistent with the prevailing location pattern of off-street parking spaces in the block, and particularly with the location pattern of off-street parking spaces on the immediately adjacent lot or lots.

- F. Where parking spaces are provided under a building, a screen not more than 30% open and not less than 4 1/2 feet in height shall be erected for any portion of such parking spaces which face a street. Further, if any portion of such parking spaces abuts upon or is separated by only a street or alley from the front yard or side yard of a lot located in any residential district, the aforesaid screen shall be extended the entire length of the parking space abutting or adjoining such lots located in the residential district. Any such screens shall not project beyond the exterior surface of the principal building. In addition, driveways leading to under-building parking spaces shall be allowed only as necessary for proper traffic control. The screening requirements of this Section 6.2.1.F shall not apply in cases where fencing at the lot line is provided pursuant to Section 6.2.1.D hereof.

6.2.2 Off-Street Parking Spaces Required Or Permitted As An Accessory Use

- A. **Use**
Each required off-street parking space shall be kept available at all times for the storage of one automobile used in connection with the principal building.
- B. **Shared Parking Spaces (NEW)**
It is the Village's intention to encourage efficient use of land and resources by allowing users to share off-street parking facilities whenever feasible. The **Village Board** ~~Plan Commission~~ may authorize a reduction in the number of required off-street parking spaces for multiple use developments or for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards.
- 1. Location**
Shared off-street parking spaces shall be located no further than one-thousand feet from the buildings and uses they are intended to serve. This distance limitation may be waived by the Plan Commission if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the principal uses.
 - 2. Zoning Classification**
Shared parking areas shall be considered accessory uses of principal uses that the parking spaces are intended to serve. Shared parking areas shall require the same or a ~~more intensive~~ **less restrictive** zoning classification than that required for the most ~~intensive~~ **restrictive** of the uses served by the shared parking area.
 - 3. Required Study and Analysis**
The applicant shall submit a shared parking analysis to the Village Manager that demonstrates the feasibility of the shared parking. The study shall be provided in a form established by the Village Manager.

It shall address, at a minimum, the size and type of the proposed development, the composition of tenants and users, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4. Shared Parking Agreement

A shared parking plan shall be enforced through written agreement among the owners of record in a form approved by the Village Attorney. A shared parking agreement may be revoked by the parties only if off-street parking is provided as required by this Section 6.2.

5. Revocation of Permits

Failure to comply with the shared parking provisions of this Section shall constitute a violation of this code and shall be cause for revocation of a building permit.

C. Location

- 1.** Off-street parking spaces shall be located on a lot in accordance with the requirements of Section 4.6.
- 2.** Off-street parking spaces for buildings or uses ~~which~~ **that** are permitted in any residential district shall be located on the same lot as the building or use served, except that for multiple-family dwellings, which, upon the effective date of this Zoning Ordinance, are located in a multiple family dwelling district, a number of off-street parking spaces not to exceed the minimum number of required parking spaces may be developed or enlarged on a vacant lot not more than 250 feet from the lot served ("off-lot parking spaces") provided:
 - a.** Such off-lot parking spaces are located in the same or a less restrictive district;
 - b.** Such off-lot parking spaces are developed and maintained as an accessory use to such multiple-family dwellings and used solely in connection therewith.
- 3.** Off-street parking spaces for buildings or uses ~~which~~ **that** are permitted only in a business, ~~or commercial or industrial~~ district and off-street parking spaces for buildings or uses permitted only or authorized as special uses in a hospital district, shall be located on the same- lot as the building or use served or on a lot not more than 250 feet from the lot served provided:
 - a.** Such off-lot parking spaces are located in the same or a less restrictive district.

- b. Such off-lot parking spaces are located on property that is under the same ownership of control as the building or use served. Such control may be established by a recorded lease, in a form approved by the Village Manager, with a term of not less than the duration of the use served.
 - c. **(NEW)** The building or use being served by such off-lot parking shall be located within the boundaries of the Village of Oak Park.
 - d. **(NEW)** No off-lot parking shall be used for the overnight storage of any vehicles or materials.
4. **(NEW)** No more than seventy percent of the required off-street parking spaces may be located between the primary building on the site and the primary abutting street. At least thirty percent of the off-street parking shall be located at the side or rear of the primary building. This requirement may be waived or modified by the Plan Commission if it determines that provision of side or rear parking would have a significant adverse impact on abutting residential uses.

D. Number Of Required Off-Street Parking Spaces (Revised)

Use Type	Specific Use	Minimum Number of Spaces Required
Residential (no change)		
	Single Family	2 per unit
	Two Family	1 per dwelling unit and 1 per guest unit
	Multifamily—no separate bedroom*	1
	MF—one bedroom unit	1.25
	MF—two bedroom unit	1.5
	MF—three bedroom and larger	2
	Residential Care Homes	Same as for single family dwellings
Institutional/Public/Recreational (no change)		
	Churches/Community Buildings	1 per 10 seats in main auditorium
	Public Libraries	1 per 10 seats in reading rooms
	Schools	1 per classroom
	Dormitories, Fraternities, Sororities	2 for every 3 beds
	Hospitals	1 per 2.5 beds
	Tennis, Handball and Similar Facilities	4 per each court or playing area
	Long-Term Care Facilities	1 per 5 beds
	Vocational or Trade School	1 per 500 sq. ft.
	Institutional Facility Not Listed	1 per 800 square feet

Use Type	Specific Use	Minimum Number of Spaces Required
Commercial (Revised)		
	Bank or Financial Institution	1 per 500 square feet
	Bed and Breakfast	1 per dwelling unit and one per guest room
	Day Care Centers	1 per classroom
	Undertaking Establishment	1 per space for every 200 square feet used for chapel, parlor, or similar public rooms
	Grocery Store up to 10,000 square feet	1 per 500 square feet above first 2,400 sq. feet
	Grocery Store, 10,000 to 20,000 sq. feet	1 per 150 square feet
	Grocery Store Over 20,000 square feet	1 per 125 square feet above first 2,400 square feet
	Hotel/Motel	1 per guest room
	Office	1 per 500 square feet above first 2,400 sq. feet
	Restaurant, Fast Food	1 per 75 sq. ft. of customer service/dining area or 1 per 200 sq. ft. if no customer service area, plus 6 queuing spaces per window
	Restaurant, General	1 per 150 sq. ft.
	Retail Sales/Service	1 per 500 sq. ft.
	Service Station	2 per bay
	Theatres	1 per 8 seats in auditorium
	Vehicle/Equipment Repair	2 per service bay
	Vehicle Servicing/Maintenance	1 per 500 sq. ft.
Industrial (NEW)		
	All Industrial Uses	.75/employee.
Other	Any other uses not expressly covered shall require parking spaces on the same basis as the most similar use as determined by the Village Manager	
*For purposes of this section, a bedroom shall be any room, exclusive of kitchen, living room, dining room, and bathroom that can qualify as a sleeping room according to Section 12-1-6 of the Oak Park Village Code. No parking spaces shall be counted toward meeting the minimum requirements of this section unless they comply with all provisions of Chapter 8, Section 12 of the Oak Park Village Code.		

E. Parking Dimensions

See Section _____ GET REFERENCE FROM DUDLEY

F. Parking for Persons With Disabilities (NEW)

A portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with disabilities as provided in the most recent version of the Illinois Accessibility Code as amended from time-to-time. (71 Illinois Administrative code Ch. I, § 400.310). The following standards from the Illinois Accessibility Code are offered for informational purposes only.

1. Number of Spaces

Parking spaces reserved for persons with disabilities shall be counted toward fulfilling overall off-street parking standards. The minimum number of spaces to be reserved for persons with disabilities shall be as follows:

Parking Spaces Required	Minimum Requirement
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total space
Over 1,000	20, plus 1 per each 100 spaces over 1,000

2. Minimum Dimensions

All parking spaces reserved for persons with disabilities shall be at least 13½ feet in width, measured perpendicular to the angle of parking, provided that the minimum width shall be reduced to 8½ feet for stalls located adjacent to an area that is well-protected and available for easy ingress and egress, with a minimum width of five feet.

3. Location of Spaces

Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances. The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved in consideration of such factors as anticipated usage, number and location of entrances and level of parking areas. (ADAAG 4.6.2) (71 Illinois Administrative code Ch. I, § 400.310).

4. Signs and Markings

Each parking space, except on-street spaces, shall consist of a sixteen foot wide parking space including an eight foot wide diagonally

striped access aisle. Adjacent parking spaces shall not share a common access aisle. (See Illustration B, Fig. 9(a)). In the alternative, all required parking spaces may be provided in conformance with “Universal Parking Design” (ADAAG Appendix A4.6.3), except that such spaces shall not utilized a shared access aisle with an adjacent space (ADAAG 4.1.2(5)(b) Exception). Under Universal Parking Design, all accessible space are sixteen feet wide, including a space eleven feet (132 in., 3350 mm) wide with a five foot (60 in., 1525 mm) diagonally striped access aisle. (See Illustration B, Fig. 9(b)). A high quality yellow paint recommended by the paint manufacturer for pavement striping shall be used. Each parking space shall have its own access aisle and all access aisles shall blend to a common level with an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. (ADAAG 4.6.3) Minimum vertical clearance of 98 in. (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s) shall be provided. (ADAAG 4.6.5)

G. Computation Of Number Of Required Off-Street Parking Spaces

When the computation of the number of parking spaces required by this Zoning Ordinance results in a requirement of a fraction of one space, such fraction shall be counted as one parking space.

6.2.3 Parking Credits (NEW)

The Village ~~Board or Plan Commission~~ **Manager** may authorize **up to a 25%** reduction in the number of required off-street parking spaces under the following circumstances. **Additional reductions may be authorized by the Village Board.**

A. On-Street Parking

One space reduction for every on-street public parking space directly adjacent to the property.

B. Transit Availability

The applicant demonstrates that a certain percentage of customers or users of the facility will utilize mass transit to travel to the establishment or facility.

C. Bicycle Parking

The development or use provides bicycle parking or makes special provisions to accommodate bicyclists such as bicycle lockers.

D. Transportation Management Plan

The development or use institutes and commits to maintain a transportation management plan in accordance with a study that clearly indicates the types of transportation management activities and measures proposed.

E. Off-Peak Work Hours

An employer institutes off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period.

F. Financial Incentives

An employer provides cash or in-kind financial incentives for employees commuting by car pool, **car sharing**, van pool, and transit.

6.2.4 Alternative Access and Parking Plans (NEW)

A. Scope

An Alternative Access And Parking Plan represents a proposal to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established in Section 6.2.2.D.

B. Applicability

Applicants who wish to provide fewer or more off-street parking spaces than allowed pursuant to Section 6.2.2.D shall be required to secure approval of an Alternative Access and Parking Plan, in accordance with the standards of this section. The Village Manager may require that an Alternative Access and Parking Plan be submitted in cases where the Village Manager deems the listed standard to be inappropriate based on the unique nature of the use or in cases where the applicable standard is unclear.

C. Contents

Alternative Access and Parking Plans shall be submitted in a form established by the Village Manager and made available to the public. At a minimum, such plans shall detail the type of alternative proposed and the rationale for such a proposal.

D. Review and Approval Procedure

The ~~Plan Commission~~ **Village Board** shall be authorized to approve, approve with conditions, approve in part, deny, or deny in part, approval of Alternative Access and Parking plans. ~~A public hearing shall be required.~~

6.2.5 Standards For Off-Street Loading Berths

A. Location

All required loading berths shall be off-street and shall be located on the same lot as the building or use served.

B. Area

All required loading berths shall be at least 10 feet in width by at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.

C. Access

All required loading berths shall be served by an appropriate means of vehicular access to a street or alley in a manner that will not interfere unreasonably with traffic movement.

D. Surfacing, Drainage And Lighting

All loading berths, whether permitted or required, shall comply with the provisions applicable to off-street parking spaces with respect to surfacing, drainage and lighting as contained in The Code of the Village of Oak Park.

E. Use

Space allocated for a required loading berth shall not be used for storage of any kind and shall not be used to satisfy any requirement of this Zoning Ordinance for off-street parking spaces.

6.2.6 Off-Street Loading Berths: When Required

- A.** Where the floor area of any existing building shall be increased through additions or enlargements, loading berths as required in Section 6.2.7 shall be provided for such addition or enlargement.
- B.** Nothing in this Zoning Ordinance shall be deemed to prevent the voluntary establishment of off-street loading berths to serve any existing use of land or building provided that all regulations set forth in Section 6.2.5 are observed.

6.2.7 Number Of Required Off-Street Loading Berths

- A.** For buildings permitted only in a hospital, business, **or** commercial or ~~industrial district~~ and containing 7,500 to 25,000 square feet of floor area, at least one off-street loading berth shall be provided.
- B.** For buildings permitted only in a hospital, business, **or** commercial or ~~industrial district~~, and containing more than 25,000 square feet of floor area, i.e., at least 2 off-street loading berths shall be provided.

6.3 OFF-STREET PARKING LOTS AS SPECIAL USES

- A.** In any district, a parking lot accessory to and located on a lot not more than 250 feet from the lot containing the principal building for school, church, temple, hospital or public library.
- B.** Neighborhood parking lots, either municipally or privately operated, in the R-7 District, for the purposes of providing parking spaces for occupants of residential buildings and hotels.

- C.** Parking lots in any residential district on a lot abutting upon or separated only by an alley from a B-1 or C District, provided:
 - 1.** The parking lot shall provide spaces for business or commercial uses located within 500 feet of the parking lot; however, the lot may also provide overnight parking spaces for residents of nearby multiple-family dwellings.
 - 2.** The parking lot shall be under the same ownership or control as the business or commercial lot served.
 - 3.** The parking lot area shall not extend more than 250 feet from the front lot line of the lots in the adjacent business or commercial district.
 - 4.** Any yard of said parking lot abutting upon or separated only by an alley or street from any residential district shall have setback, screening and landscaping as required by the President and Board of Trustees to provide acoustical and visual privacy for adjacent residents. All other yards shall be as required by the regulations for the district in which the parking lot is located.
 - 5.** The applicant shall demonstrate that existing parking facilities are inadequate to meet his/her needs.
- D.** Municipally owned or operated parking lots, which lot is within 300 feet of any R-7 District.
- E.** Special-use parking lots legally existing on the effective date of this Zoning Ordinance pursuant to a permit of fixed term, may be renewed, provided the requirements of Section 6.2.1 are observed.

6.4 LANDSCAPING AND BUFFERING (NEW)

6.4.1 General

A. Intent

It is the intent of this section to provide for landscaping of parking lots and development sites throughout the Village to enhance the character and livability of the community, improve air and water quality, provide noise buffers and transitions between uses, improve wildlife habitat, and preserve property values.

B. Applicability

This section sets out the minimum landscaping, buffering, and screening requirements for all development within the Village of Oak Park except for single-family and two-family residential dwellings.

C. General Standard

Prior to approval of any development application or building permit as applicable, the applicant shall submit a landscaping and screening plan for approval by the ~~Plan Commission~~ (Village Manager ?) that complies with the provisions of this Section. **Landscaping plans for all planned developments and projects with more than 50 parking spaces shall be prepared by a registered landscape architect. The Village Manager or Village Board may refer any landscaping plan to the Community Design Commission for comment and recommendation if the project's size or potential impacts necessitate further review.** These standards are not intended to limit landscaping, plantings, and screening beyond the minimum requirements of this Section.

D. Submittal Requirements

Landscaping plans shall include such information and detail as required by the Village Manager.

6.4.2 Site Landscaping

A. Building Setbacks

Building setback areas along all public streets shall be planted with a minimum of 1 tree and 10 shrubs per 40 lineal feet of setback area.

B. ~~Tree Lawn~~/Parkway Landscaping

Where a ~~tree lawn~~ **or parkway** (the planting strip between a public street and sidewalk) exists on a site or one will be created as part of the development plan, the area shall be landscaped with at least one tree per 25 (thirty?) lineal feet, center to center.

C. Site Perimeter Landscaping Abutting Adjoining Parcels (Revised)

Except as provided in Section 6.2.1.D, each boundary between a new development and an adjacent residential use or public open space shall be landscaped with at least 4 trees and 20 shrubs per 100 lineal feet of edge, with fractional requirements rounded up. The landscaped area shall be a minimum of 10 feet wide. These requirements shall not apply to any property abutting a public alley, **except to the extent provided in Section 6.4.3 if a parking lot adjoins an alley.** Site perimeter landscaping may be used to fulfill requirements for parking lot perimeter landscaping if it meets standards set forth in Section 6.4.3.B.

6.4.3 Parking Lot Perimeter Landscaping

A. Applicability

The parking lot perimeter landscaping requirements shall apply to all new private and public off-street parking lots or major expansion of existing lots of more than twenty-five percent of existing spaces. Existing parking lots with more than 100 spaces shall comply with these requirements no later than January 1, 2004. Existing parking lots with more than 5 spaces shall comply with these requirements no later than January 1, 2006.

B. Minimum Dimensional Standards

All parking lots shall be screened from public streets and sidewalks, public open space, and adjacent properties by complying with one of the following perimeter landscaping options. **As provided in Section 6.8, the Village Board may approve an alternative compliance plan.**

1. Eight-foot wide perimeter landscaped area as measured from the property line with no ornamental fencing, masonry wall, or wheel stops in the parking lot. Public land may not be counted toward fulfillment of this standard.
2. Seven-foot wide perimeter landscaped area with ornamental fencing or masonry wall and a maximum two foot car overhang area or no parking spaces adjacent to landscaping.
3. Five-foot wide perimeter landscaped area with ornamental fencing or masonry wall and wheel stops in the parking lot that prevent any car overhang into the landscaped area.
4. An ornamental fence or masonry wall without landscaping, provided that a ~~tree lawn~~/**parkway** exists adjacent to the site and is already planted to the minimum specifications of this section or is planted to such specifications by the applicant.
5. Perimeter parking lot landscaping may be satisfied by site perimeter landscaping as required in Section 6.4.2 where the locational requirements for the site perimeter landscaping overlap with these perimeter parking lot requirements.
6. Opaque fencing or landscape screening is required adjacent to residential districts as provided in section 6.2.1.D.

C. Fencing/Wall Specifications

All fencing or walls utilized to satisfy the requirements of this section shall meet the following specifications.

1. Only ornamental metal fencing, or masonry walls, **and commercial-grade-wood fencing** shall be allowed. Chain link fencing **and non-commercial grade solid wood stockade fencing** are prohibited.
2. Fencing shall be a minimum of three feet high and shall not exceed 5 feet in height. Masonry walls shall be a minimum of 30 inches in height and shall not exceed 4 feet in height.

D. Minimum Plant Quantity

Where perimeter areas are to be landscaped, the following minimum plant materials shall be provided.

1. One tree for every 25 lineal feet of perimeter area. Trees may be spaced evenly or grouped.
2. A continuous screening hedge at least 30 but not more than 48 inches in height.

E. Clear Sight Triangle

No landscaping greater than thirty inches in height shall be located within a twelve foot clear sight triangle as measured from the right-of-way.

6.4.4 Parking Lot Interior Landscaping

A. Applicability

The parking lot ~~perimeter~~ **interior** landscaping requirements shall apply to all new private and public off-street parking lots with more than five 5 parking spaces or major expansion of existing lots of more than twenty-five percent of existing spaces. ~~Question: Should interior landscaping requirements apply to car sales lots?~~ **These interior landscaping standards shall not apply to automobile sales lots.**

B. Minimum Standards

1. Parking lots with six (6) to one-hundred (100) spaces shall have five ~~percent~~ 5% of the total interior area landscaped.
2. Parking lots with **more than** ~~in excess of~~ 100 spaces shall have 10 percent **10%** of the interior area landscaped.

C. Perimeter Landscaping Credit

Perimeter landscaping in excess of the dimensions required in Section 6.4.3 may be credited towards meeting the interior landscaping standards.

D. Internal Landscape Islands

1. Spacing

Internal planting islands must be spaced no farther than fifteen parking spaces apart.

2. Configuration/Size

Landscaped islands may be in any shape or configuration. Landscaped diamonds must be at least 50 square feet in size and edged with a low protective ornamental fence at least 12 high. ~~Plants contained in the diamonds less than 100 square feet must be irrigated.~~ All other landscape islands must be a minimum of 100 square feet with a minimum width of ~~5~~ **6** feet.

E. Minimum Plant Quantity

1. 6-100 parking spaces: 2 trees/five bushes ~~bushes~~ **shrubs** per 10 spaces.

2. 101+ parking spaces: 2 trees/five bushes ~~bushes~~ **shrubs** per 15 spaces.

F. Tree Location

Trees should be **distributed** out evenly throughout the parking lot and not clustered in one area.

G. Separation of Parking Blocks

Parking lots with more than 100 spaces shall be broken up into blocks of no more than 50 spaces. Each block shall be separated from other parking blocks by a landscaped area that is at least 8 feet wide, by a pedestrian walkway or sideway within a landscaped median with a minimum width of ten feet, or by a low decorative fence or wall with a maximum height of 4 feet bordered by landscaping on at least one side.

6.4.5 Landscape Materials, Quality, and Maintenance

A. Landscaping Material

Each area required to be landscaped shall be covered in live material as specified in this section. Live material includes trees, shrubs, ground cover, and sod, **perennials, grasses, & bulbs**. Areas not covered in live material may be covered by woody mulch, other organic or inorganic mulch, rock mulch, other natural materials other than exposed gravel, aggregate, or paving.

B. Plant Species

The selection of plant materials shall be based on the Village of Oak Park's climate and site conditions. A list of allowable and preferred plant species is

available from the Village Manager. **Note: The Village needs to develop such a list in consultation with the CDC.**

C. Plant Quality

All plants shall be A-Grade or No. 1 Grade and free of defects, of normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1 latest available edition, American Association of Nurserymen. Plants shall have full, even, well-developed branching and a dense, fibrous, and vigorous root system.

D. Plant Sizes and Specifications

The following minimum sizes shall be required:

Type of Tree	Dimensions
Canopy shade tree	2.5 3 inch caliper measured 6 inches above ground, balled and burlapped or equivalent
Ornamental tree	4.5 2 inch caliper, balled and burlapped or equivalent or 7 feet for a multi-stemmed tree.
Evergreen tree	6.0 feet high, balled and burlapped or equivalent
Shrubs	30 inch balled & burlapped or 5 gallon minimum container size

E. Installation

All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. All landscaping in each phase shall either be installed or the installation shall be secured with a letter of credit, escrow, performance bond for 125% of the value of the landscaping, or other surety satisfactory to the Village prior to the issuance of a development approval or building permit.

F. Maintenance

Trees and vegetation, irrigation systems, fences, walls, and other landscape elements shall be considered as elements of a development in the same manner as parking, building materials, and other site details. The applicant, developer, landowner, or successors in interest shall be jointly and severally responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease, pests, weeds, and litter. All landscape structures such as fences and walls shall be repaired and replaced periodically to maintain them in a structurally sound and aesthetically pleasing condition. **To ensure compliance with this section, the applicant shall deposit a security with the Village Manager for one year, in a form acceptable to the Village Attorney.**

G. Replacement

Any landscape element that dies or is otherwise removed or seriously damaged, shall be promptly removed **within 30 days of the beginning of the growing season** and replaced based on the requirements of this Section.

6.5 TREE CONSERVATION (NEW)

6.5.1 Intent

Existing significant trees should be preserved whenever possible to act as buffers between adjoining developments and as site amenities. Where preservation is not feasible, trees that are removed should be replaced on-site or elsewhere in the Village.

6.5.2 Applicability

These standards apply to all multi-family residential, institutional, and commercial, **and industrial** development. Trees that are dead or dying, or species deemed to be undesirable by the Village, or found to be a threat to public safety shall be exempt from these provisions.

6.5.3 Preservation of Significant Trees

All significant trees on a site shall be preserved to the maximum extent feasible. For purposes of this section, “significant” trees mean deciduous trees with a 12 inch caliper measured 6 inches above the ground and evergreen trees 6 feet or more in height.

6.5.4 Tree Survey/Plan Requirement

All applicants for development subject to this section shall submit an existing significant tree survey depicting the species, size, location, and condition of significant trees on the site and adjacent public right-of-way, if any, and a preservation/replacement plan to demonstrate compliance with these standards.

6.5.5 Tree Replacement/Mitigation

If a significant tree is removed according to an approved tree preservation plan or is removed or damaged during clearing, grading, or construction, the applicant shall replace the removed or damaged trees as set forth below. Replacement trees shall be the same or similar species to the trees removed or damaged, or alternatively a species approved by the Village. The following mitigation options may be utilized in any combination at the Village’s discretion:

A. Replacement On Site

For every 1 inch of tree caliper at 6 inches above the ground removed or damaged, the applicant shall install 2 inches of replacement tree caliper on site.

B. Replacement On Other Sites

If the replacement trees are provided off-site, for every inch of tree caliper removed or damaged, the applicant shall install 3 inches of replacement tree caliper.

C. Contribution to the Village Tree Replacement Fund

If replacement on or off-site is not practicable, the applicant may contribute equivalent funds to the Village Tree Replacement Fund. The value contributed shall be three times the value of the tree removed based on its caliper.

6.5.6 Landscape Credit

Any existing trees on a site that are in appropriate locations and of acceptable quality shall be credited towards fulfillment of any landscaping provisions of this ordinance.

6.5.7 Construction Protection

The following standards shall be followed during construction to protect significant trees:

A. Within the drip line of any protected tree, there shall be no cut or fill over a 4-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.

B. Prior to and during construction, **temporary** barriers shall be erected around all protected existing trees with such barriers to be of **chain link fencing** ~~orange fencing~~ of a minimum of 4 feet in height, secured with metal T-posts, no closer than 6 feet from the trunk or one-half of the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris, or fill within the fenced tree protection zone.

C. During construction, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material potentially harmful to the tree within the drip line of any protected tree. **Nothing within this section shall be interpreted as an authorization to ignore or violate applicable federal or state hazardous waste laws.**

D. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.

6.6 REFUSE COLLECTION/RECYCLING AREA SCREENING (NEW)

6.6.1 Applicability

Trash dumpsters and other waste/recycling containers serving multi-family and nonresidential development shall be completely screened from view off-site. **This section shall apply only to new development and not to existing uses, except to the extent an existing use is changed or expanded in such a manner to constitute development under this ordinance.**

6.6.2 Design

To the maximum extent feasible, refuse collection/recycling areas shall be screened by a wall or similar structural feature that is an integral part of the building's architectural design. Where such screening is not feasible, opaque fencing may be used.

6.6.3 Screening Specifications

Refuse collection/recycling containers shall be screened from public view on three sides by a solid wall or fence at least 6 feet in height and on the fourth side by a solid gate at least 5 feet in height. The gate and wall/fence shall be maintained in good working order and shall remain closed except ~~with~~ **when** refuse pick-ups occur. The wall/fence and gate shall be architecturally compatible with other buildings and structures on the site. Applicants shall be responsible for coordinating with the solid waste disposal provider/recycler on matters relating to appearance quantity, interior dimensions, locations, and access.

6.7 MECHANICAL EQUIPMENT SCREENING (NEW)

6.7.1 Applicability

The mechanical equipment screening standards of this section shall apply to all of the following associated with new development:

- A.** Electrical and gas-powered mechanical equipment;
- B.** Duct work and major plumbing lines use to heat, cool, or ventilate,
- C.** Power systems for the building or site; and
- D.** Utility boxes, meters, and similar installations.

This section shall apply only to new development and not to existing uses, except to the extent an existing use is changed or expanded in such a manner to constitute development under this ordinance.

6.7.2 Screening Standards

For all developments, the following mechanical equipment screening standards shall apply to the maximum extent practicable. If full compliance with these standards cannot be achieved, an alternative screening plan may be approved in accordance with Section 6.8

A. Roof-Mounted Mechanical Equipment

Roof-mounted mechanical equipment shall be screened by a parapet wall or similar structural feature that is an integral part of the building's architectural design. The parapet wall or similar structure feature shall be of a height equal to or greater than the height of the mechanical equipment being screened.

B. Wall-Mounted Mechanical Equipment

Wall-mounted mechanical equipment that protrudes more than twelve inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the subject building. Wall-mounted mechanical equipment that protrudes less than twelve inches shall be designed to blend with the primary color and architectural design of the subject building.

C. Ground-Mounted Mechanical Equipment

Ground-mounted mechanical equipment shall be screened from view by a decorative wall or opaque fence that is compatible with the architecture and landscaping of a development site. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened.

6.8 ALTERNATIVE COMPLIANCE (NEW)

Upon request by an applicant, the Village Board and Plan Commission may consider and approve alternatives to full compliance with the landscaping and screening standards contained in this section if they ~~Plan Commission~~ determine that any visual impact associated with the alternative landscaping and screening plans have been mitigated to the maximum extent feasible. Mitigation measures may include, but are not limited to increased setbacks, increased landscaping, additional fencing, and painting or otherwise camouflaging equipment.

6.9 BUILDING DEVELOPMENT STANDARDS (NEW)

6.9.1 General

A. Intent

It is the intent of these standards to create buildings with visual interest that complement the streetscape, are compatible with surrounding developments,

and enhance the pedestrian-oriented character and overall image of the Village.

B. Applicability

These standards shall be applicable to all commercial development in the Village **approved after the effective date of this ordinance.** *Question: Apply to institutional development also?* No development application or Certificate of Zoning Compliance building permit for any commercial development shall be approved until the Village Manager determines that the applicant complies with the standards in this Section. **Existing uses shall be exempt from these provisions except to the extent they are changed or enlarged in such a manner to constitute development under this ordinance.**

6.9.2 Building Facades

A. Façade Articulation

No building wall that faces a street or connecting pedestrian walkway shall have a blank, uninterrupted length exceeding thirty feet without including at least two of the following features:

1. Change in plane;
2. Change in texture or masonry pattern;
3. Windows;
4. Trellises with vines;
5. An equivalent element that subdivides the wall into smaller sections.

B. Building Entries

Each commercial establishment shall have a clearly defined, prominent customer entrance that features no less than two of the following:

1. Canopies, & awnings, ~~or porticos;~~
2. Porticos;
3. Recesses/projections;
4. Arcades;
5. Raised cornice parapets over the door;
6. Peaked roof forms;

7. Arches;
8. Large windows;
9. Architectural details such as tile work and moldings that are integrated into the building structure and design;

C. Four-Sided Treatment

All sides of a building shall include materials and design characteristics consistent with the front.

D. Display Windows

In _____ zoning districts (need to specify), all front building facades shall include display windows along the street at ground level to allow pedestrians to view goods and activities inside and encourage walking and browsing. Opaque and reflective, mirror glass are prohibited. Display windows shall be roughly proportional in size and design to display windows in other buildings in the district.

E. Building Front Dimensions

Building fronts in _____ zoning districts (need to specify) shall be similar in proportion to traditional commercial storefronts, typically between twenty-five and forty feet wide. Larger buildings shall be broken into smaller sections through the use of changes in wall planes, materials, architectural elements, and similar features.

6.9.3 Building/Street Relationship

A. Building Orientation

1. Single-Tenant Buildings

Unless part of a larger planned development or commercial center, when there is only one building in a proposed commercial development that will be occupied by a single tenant, the primary building facade and main customer entry shall be oriented toward the primary abutting street.

2. Multi-Tenant Buildings

Unless part of a larger planned development or commercial center, when there is only one building in a proposed commercial development that will be occupied by multiple tenants, at least fifty percent of the building's "active" wall shall be oriented toward the primary abutting street. (Note: the "active" wall has the majority of storefronts, entrances, and windows.)

B. Street Edge

To the maximum extent practicable, build-to lines based on a consistent relationship of buildings to the street should be established for development projects in order to form a visually continuous, pedestrian-oriented streetfront.

1. Neighborhood and Transit-Oriented Districts

A minimum of 40 percent of the development site's primary street edge shall be occupied by building frontage. A minimum of 80 percent shall be occupied by a combination of building frontage, ornamental fencing, decorative architectural walls, plazas, or other functional open space. Driveways and sidewalks access points shall not be counted in this calculation. (For example, if the total street frontage is 100 feet and driveways make up 30 feet of that frontage, the 80% standard would be multiplied by 70 feet (100-30) to produce a requirement of 56 feet to be occupied by building frontage, ornamental fencing, etc.).

2. Regional Market Districts (Roosevelt Road, Madison, North Ave)

A minimum of 60 percent of the development site's primary street edge shall be occupied by a combination of building frontage, ornamental fencing, decorative architectural walls, plazas, or other functional open space. Driveways and sidewalks shall not be counted in this calculation.

6.10 RESIDENTIAL PROTECTION STANDARDS (NEW)

In addition to the environmental standards set forth in Article ____ of the Village Code, as a condition of approval of any Special Use Permit, Temporary Use Permit, Rezoning, Certificate of Zoning Compliance, or other discretionary approval of any nonresidential use located within 500 feet of any residential district, the decision-making body shall be authorized to impose conditions that are necessary to reduce or minimize any potentially adverse impacts on residential property. Such conditions may include but shall not be limited to the following:

- A. Hours of operation and deliveries;
- B. Location on a site of activities that generate potential adverse impacts on adjacent uses such as noises and glare;
- C. Placement of trash receptacles;
- D. Location of loading and delivery areas;
- E. Lighting location, intensity, and hours of illumination;

- F.** Placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
- G.** Additional landscaping and buffering;
- H.** Height restrictions to preserve light and privacy and views of significant features from public property and rights-of-way;
- I.** Preservation of natural lighting and solar access; and
- J.** Ventilation and control of odors and fumes.

ARTICLE 7. MEASUREMENTS

7.1 TABLE OF DIMENSIONAL REQUIREMENTS

This table summarizes the dimensional standards for all zone districts. See the zone district regulations for special dimensional standards.

Dimensional Standards								
Zone Districts and Use	Min. Lot Area (or Max. Density)	Max. Lot Coverage (%) (Principal Structure/Aggregate)	Max. Height (feet)	Minimum Setbacks (feet from lot line)				Additional Regulations
				Front (Min.)	Side (Min.)	Rear (Min.) / (% of Lot Depth)	External Side Yard	
Single Family Districts								
R-1:	10,000sf		35 – 45	30 – 60	6	35 (20%)	6 – 9	§ 3.4.1
R-2	6,200 – 10,000sf		35 – 45	30 – 60	6	35 (20%)	6 – 9	§ 3.4.2
R-3	5,000 – 10,000sf		35 – 45	20 – 50	5	30 (20%)	5 – 8	§ 3.4.3
R-4	3,500 – 10,000		35 – 45	20 – 50	5	25 (20%)	5 – 8	§ 3.4.4
Multiple Family Districts								
R-5	3,500 – 10,000		35 – 45	20 – 50	5	25 (20%)	5 – 8	§ 3.5.1
R-6	3,500 – 10,000	45 / 75	35 – 45	20	5 – 10	25 (20%)	5 – 8	§ 3.5.2
R-7	3,500 – 10,000	45 / 75	45 – 55	20	5 – 10	25 (20%)	5 – 8	§ 3.5.3
Hospital District								
H	400 sf/ bed; 7,000sf max.	--- / 80	125	No yards shall be required unless specific conditions are satisfied, in which case yards will vary from 20 to 30 feet.				§ 3.6
Commercial Districts								
B-1/B-2								§ 3.7.1
Combination of Uses		--- / 75	45 – 55	No yards shall be required unless specific conditions are satisfied, in which case yards will vary from 10 to 15 feet.				
Business Use (exclusively)	No min.	---	45 – 55					
Hotels	360 sf/ room; 7,000 sf	---	45 – 55					
Long-Term Care Facility	400 sf/ bed; 7,000sf max.	---	45 – 55					

Dimensional Standards								
Zone Districts and Use	Min. Lot Area (or Max. Density)	Max. Lot Coverage (%) (Principal Structure/Aggregate)	Max. Height (feet)	Minimum Setbacks (feet from lot line)				Additional Regulations
				Front (Min.)	Side (Min.)	Rear (Min.) / (% of Lot Depth)	External Side Yard	
Uses Permitted in a Residential District	3,500 – 10,000	45 / 75	45 – 55	20	5 – 10	25 (20%)	5 – 8	
B-3								§ 3.7.2
Combination of Uses		--- / 75	60	No yards shall be required unless specific conditions are satisfied, in which case yards will vary from 10 to 15 feet.				
Business Use (exclusively)	No min.	---	60					
Hotels	360 sf/ room; 7,000 sf	---	60					
Long-Term Care Facility	400 sf/ bed; 7,000sf max.		60					
Uses Permitted in a Residential District	3,500 – 10,000	45 / 75	60	20	5 – 10	25 (20%)	5 – 8	
B-4								§ 3.7.3
Combination of Uses		0	125	No yards shall be required unless specific conditions are satisfied, in which case yards will vary from 5 to 15 feet.				
Business Use (exclusively)	No min.	0	125					
Hotels	360 sf/ room; 7,000 sf	0	125					
Long-Term Care Facility	400 sf/ bed; 7,000sf max.	0	125					
Uses Permitted in a Residential District	3,500 – 10,000	0	125					
Commercial								§ 3.7.4
Combination of Uses		75%	50 – 60	No yards shall be required unless specific conditions are satisfied, in which case yards will vary from 5 to 15 feet.				
Business Use (exclusively)	No min.	---	50 – 60					
Hotels	360 sf/ room; 7,000 sf	---	50 – 60					
Long-Term Care Facility	400 sf/ bed; 7,000sf max.	---	50 – 60					

Dimensional Standards								
Zone Districts and Use	Min. Lot Area (or Max. Density)	Max. Lot Coverage (%) (Principal Structure/Aggregate)	Max. Height (feet)	Minimum Setbacks (feet from lot line)				Additional Regulations
				Front (Min.)	Side (Min.)	Rear (Min.) / (% of Lot Depth)	External Side Yard	
Uses Permitted in a Residential District	3,500 – 10,000	---	50 – 60	20	5 – 10	25 (20%)	5 – 8	

7.2 MEASUREMENTS AND EXCEPTIONS

7.2.1 Measurement of Yards

A. Front Yards

The depth of a front yard shall be measured at right angles at all points along the front lot line.

B. Rear Yard

The depth of a rear yard shall be measured at right angles at all points along the rear lot line.

C. Side Yards

The width of a side yard shall be measured at right angles at all points along the side lot line.

7.2.2 Determination Of Front Lot Lines For Corner Lots

Where a corner lot does not abut upon an alley, or where a corner lot abuts upon two alleys, the Village Manager shall determine which street line of said corner lot shall be the front lot line and which shall be the exterior side lot line(s). In making his determination the Village Manager shall, so far as practicable, take account of the orientation of yards and the prevailing location pattern of off-street parking spaces in the block, and particularly on the immediately adjacent lot or lots.

7.2.3 Measurement of Height

The height of a building shall be the vertical distance at the center of the front of a building measured from the established grade to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height level (between eaves and ridge) for gable, hip or gambrel roofs, chimneys, church steeples, bell towers, elevator bulkheads, or necessary mechanical appurtenances, including heating and cooling equipment, or similar structures not intended for human occupancy and not occupying more than 25% of the ground area of the building or structure on

which they are erected, may be erected to a height in accordance with the effective ordinances of the Village.

ARTICLE 8. ENFORCEMENT AND PENALTIES

8.1 VIOLATION AND PENALTY

- A.** Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of the provisions of this Zoning Ordinance, shall upon conviction be fined not less than \$25 nor more than \$1000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

- B.** The owner or occupant of any building, structure or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

ARTICLE 9. DEFINITIONS

Note: *New and revised definitions are in boldface type.*

9.1 ACCESSORY BUILDING OR STRUCTURE:

A building or structure which is customarily and exclusively incidental to the principle building or use which it serves and is located upon the same zoning lot; but no portion of which accessory building or structure contains cooking facilities or sleeping quarters, nor is used, for dwelling purposes.

9.2 ACCESSORY USE:

A use which is customarily and exclusively incidental to the principle building or use which it serves and which (with the single exception of such off-street parking spaces as are permitted to locate elsewhere) is located on the same zoning lot as the principle building or use.

9.3 ACCESSORY USE TOUR HOUSE:

The use of a private, owner occupied principal-use dwelling unit, which possesses special architectural and/or historical significance, or tours by members of the public during limited hours and days of the week, conducted by the owner/resident of the dwelling unit for a fee. For the purposes of this section, a house shall qualify as "owner-occupied" and an owner shall qualify as an "owner/resident" only if the owner of the house resides in the house as the owner's principal place of residence. Also, for purposes of this section, tours shall be considered as "conducted by the owner/resident" if such tours are conducted by:

- A. The owner/resident(s);
- B. Any person who volunteers to conduct tours on behalf of the owner/resident without remuneration; or
- C. Any person who is paid as an employee of the owner/resident to conduct tours on behalf of the owner/resident.

9.4 ADULT DAY CARE FACILITY:

A public or private place, duly licensed to provide a program of services under health professionals, in an ambulatory care setting for persons 18 years of age or older, who do not require 24-hour institutional care and yet, due to physical and/or mental impairment, are not capable of full-time independent living.

9.5 ADULT USE:

A facility that can be characterized as an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult novelty business, adult theater,

sexual encounter establishment, escort agency or nude model studio, wherein the emphasis is on the depiction of specific sexual activities or specific anatomical areas.

9.6 ALLEY:

A private or dedicated public way that affords only a secondary means of access to contiguous property and is less than 33 feet in width.

9.7 APARTMENT:

A dwelling unit located in a building other than a single-family dwelling.

9.8 ASSEMBLY AND PACKING PLANTS:

A facility wherein the finished product is either assembled from individual standardized or merely packaged for retail or wholesale consumption. The individual parts used to create the finished product shall not be manufactured on site.

9.9 ASSISTED CARE:

A multiple-family structure for the elderly or disabled that provides services including assistance with daily activities such as dressing, grooming, and bathing.

9.10 AUCTION HOUSE:

A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

9.11 AUTO AND PUBLIC VEHICLE STORAGE:

A secured parking lot or parking garage for the purpose of storing vehicles for an extended period of time.

9.12 AUTO SERVICE AND FUELING STATION:

A business engaged in retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

9.13 AUTO/TRUCK/BOAT/AND MOBILE HOME RENTAL, SALES AND REPAIR SHOP:

Establishments primarily engaged in motorized vehicle repair, rental, leasing, and sale services to the general public. This use shall also accommodate the rental, leasing and sale of mobile home units.

9.14 AVERAGE ADJACENT FRONT SETBACK:

The average front setback of the buildings or structures on the lots immediately adjoining the subject lot, weighted in accordance with the width of each such lot.

9.15 AVERAGE FRONT SETBACK:

Equal to one half of the following sum: the Average Adjacent Front Setback plus the Average Non Adjacent Front Setback.

9.16 AVERAGE NON-ADJACENT FRONT SETBACK:

The average front setback of the buildings or structures on all of the non-adjacent lots that are in the same or more restrictive district, in the same block and on the same side of the street as the subject lot, weighted in accordance with the width of such lot.

9.17 BAKERY, WHOLESALE:

A bakery wherein the production and or wholesaling of baked goods is permitted, but over-the-counter or other retail dispensing of backed goods is prohibited.

9.18 BANQUET/EXHIBITION/MEETING HALL, PUBLIC AND PRIVATE:

A facility or hall owned by a private citizen or governmental agency available for lease by private parties.

9.19 BASEMENT:

That portion of a building between floor and ceiling, which is at least one foot below grade and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling (in contradistinction to a cellar).

9.20 BEAUTY SUPPLY STORE:

A commercial establishment engaged in the retail sale of cosmetology-related products. Cosmetology services may be provided on-site on a limited basis.

9.21 BED AND BREAKFAST HOME OCCUPATION:

An owner-occupied residence providing accommodations for a charge to the public with no more than three (3) guest units for rent, in operation for more than ten (10) nights in a twelve (12) month period. Only the breakfast meal may be provided to the registered guests. The service of food to the public for a charge is otherwise prohibited. Bed and Breakfast Establishments shall not include motels, hotels, rooming/ boarding houses or facilities, or food service establishments.

9.22 BOARDING HOUSE:

A building in which meals and sleeping quarters (but not cooking facilities) are provided by prearrangement for compensation on a weekly or longer basis for 3 or more persons who are not members of the keeper's family. For purposes of this Zoning Ordinance, a boarding house shall not include a Residential-Care Home or Nursing Home.

9.23 BUILDING:

Any covered structure securely affixed to the land which is designed for the support, shelter, enclosure or protection of persons, animals, chattels or other tangible property.

9.24 BUILDING, PRINCIPAL:

A non-accessory building in which is conducted a principal use of the lot on which the building is located.

9.25 BUS PASSENGER STATION:

Any facility for the storage or parking of motor-driven buses and the loading and unloading of passengers.

9.26 CANOPY:

Any structure, moveable or stationary, attached to and deriving its support from the side of a building or structure for the purpose of shielding a platform, stoop or sidewalk from the elements.

9.27 CAR WASH:

Any building or premises or portions thereof used for washing automobiles.

9.28 CATERING SERVICE:

An establishment that prepares and provides meals or refreshments for consumption off-site. No on-site dining facilities shall be permitted.

9.29 CELLAR:

That portion of a building between floor and ceiling, which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to the ceiling (in contradistinction to a basement).

9.30 CHURCH/TEMPLE:

A building wherein persons regularly assemble for religious worship and that is maintained and controlled by a religious body organized to sustain public worship,

together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogues, temples, mosques, or other such places of worship and religious activities.

9.31 CLEANING AND DYING PLANT:

A building used for the cleaning and dying of fabrics, textiles, or articles of clothing by immersion and/or agitation in volatile solvents, including, but not limited to solvents of the petroleum distillate type, and or the chlorinated hydrocarbon type, and the processes incidental thereto.

9.32 CLINIC, MEDICAL AND DENTAL:

A building occupied by one or more dentist, medical practitioner or specialist.

9.33 CLUB, PRIVATE:

A building or portion thereof, restricted to members and their guests, which is owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit or for rendering a service which is customarily carried on as a business.

9.34 COMMERCIAL BROADCASTING FACILITY:

A building containing offices and/or studios for the production of radio or television programs for commercial entities or non-profit organizations.

9.35 COMMERCIAL USE:

A business activity involving the purchase, sale, or transaction relating to the disposition of any article, substance, commodity, or service; the maintenance or conduct of offices, professions, or similar enterprises conducted for profit, including the renting of rooms, business offices, and sales display rooms and premises. Examples of commercial uses include retail shops and offices.

9.36 COMMUNITY BUILDING:

A building to be used for meetings, recreation, or social activities by members of the community in which it is located.

9.37 CONTRACTOR'S MAINTENANCE YARD:

An enclosed lot immediately adjacent to a major construction site wherein construction equipment and other materials customarily used in the construction trade are temporarily stored and maintained.

9.38 CURRENCY EXCHANGE:

A commercial use that exchanges common currencies, sells money orders, or cashiers check, and cashes checks, drafts, money orders or travelers checks for a fee as it principal business activity. This use shall not include financial institutions or loan companies.

9.39 DAY CARE CENTER:

Any duly licensed childcare facility receiving more than eight (8) children for daytime care during all or part of the day.

9.40 DAY CARE HOME:

Any family home that receives not more than eight (8) children for regular ongoing care during the day. The maximum of 8 children include the family's natural or adopted children under age 16 and' those children who are in the home under full-time care as set forth in the Child Care Act of 1969.

9.41 DEVELOPMENT:

Definition to be discussed with staff.

9.42 DISTRICT:

One of the 44-13 use districts into which the entire Village is divided pursuant to **Article 3.**

9.43 DRY CLEANING STORE:

A business maintained for the cleaning of fabrics, textiles, and article of clothing, using specialized dry-cleaning equipment and machinery and volatile solvents; and pick up and delivery of such items shall be a principal aspect of the store's operation.

9.44 DRY CLEANING OR LAUNDRY RECEIVING STORE:

A business maintained for the pick-up and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

9.45 DWELLING, MULTIPLE-FAMILY:

A building having more than 2 dwelling units.

9.46 DWELLING, MULTIPLE-FAMILY, SENIOR CITIZEN:

A multiple-family dwelling that is designed and intended for the exclusive occupancy of individuals who are at least 55 years of age, unrelated families, all the members of which are at least 55 years of age, or related families, one spouse of which is at least 55 years of age.

9.47 DWELLING, SINGLE—FAMILY DETACHED:

A building having no more than one dwelling unit.

9.48 DWELLING SINGLE-FAMILY ATTACHED:

A single-family dwelling sharing a vertical wall or walls with another single-family dwelling.

9.49 DWELLING, TWO-FAMILY:

A building having 2 but not more than 2 dwelling units.

9.50 DWELLING UNIT:

A building or portion thereof, containing culinary facilities and arranged, designed and exclusively used or intended for use by one family as a separate housekeeping unit.

9.51 EARTH STATION:

Any disc antenna whether flat, concave or parabolic, which is designed to receive satellite-delivered signals.

9.52 EDUCATIONAL OR INSTRUCTIONAL INSTITUTION:

A public or private college or university authorized by the state to award degrees.

9.53 EMPLOYMENT AGENCY:

A public or private business or agency whose primary function is to assist people in locating jobs, careers, or other employment opportunities.

9.54 ENCLOSED PORCH OR TERRACE:

A porch or terrace protected by walls or windows or by a roof having vertical supports.

9.55 EQUIPMENT RENTAL:

A business primarily engaged in the rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment.

9.56 EXTERMINATING AND FUMIGATING ESTABLISHMENT:

A facility that provides door-to-door household pest control services to the public.

9.57 FAMILY:

Either: (a) Two or more persons, each related to the other by blood, marriage, or adoption, together with usual domestic servants and not more than one bona fide guest, all living together as a single housekeeping unit and using common kitchen facilities (that is, a related family); or (b) Four or fewer persons, all of whom are not necessarily related to each of the others by blood, marriage, or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, - an unrelated family). For purposes of this Zoning Ordinance, however, an unrelated family shall not include persons living together in a Residential-Care Home or Nursing Home.

9.58 FAMILY RESIDENTIAL-CARE HOME:

A Residential-Care Home for six persons or fewer, plus supervisory personnel who are present whenever persons with disabilities are present at the Home, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere as part of the residential community.

9.59 FILLING STATION:

Any building or open area used for the dispensing or retail sale of any automobile fuels or oils.

9.60 FINANCIAL INSTITUTION:

A building, with or without a drive-up facility, for the custody of, loan, or exchange of money, the extension of credit, and/or the transmission of funds.

9.61 FLOOR AREA (FOR DETERMINING FLOOR AREA RATIO):

For the purpose of determining floor area ratio, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall include basement and stairwells at each floor, floor space used for mechanical equipment--except equipment, open or enclosed, located on the roof-penthouse, attic space having head room of seven feet, ten inches or more), interior balconies and mezzanines and enclosed porches, and floor area devoted to accessory uses, including off-street parking and loading facilities enclosed within a permanent structure and located at or above grade.

9.62 FLOOR AREA:

Floor Area, when prescribed as the basis for determining the number of off-street parking spaces and loading berths for any use, for determining the permissible mix of uses in a planned development and for all other purposes except the determination of floor area ratio shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use including accessory storage areas, and any basement floor area devoted to business or commercial uses, but shall not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space, or basement floor area other than area devoted to business or commercial uses.

9.63 FLOOR AREA RATIO (F.A.R.):

The "floor area ratio" of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot.

9.64 FOOD STORAGE LOCKER:

A facility with separate secure units that are rented to individuals for the storage of food.

9.65 FOSTER HOME:

A facility for child care in residences of related families who receive no more than 8 children unrelated to them, unless all the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis. The family's own children, under 18 years of age, shall be included in determining the maximum number of children served. The term "foster home" includes homes receiving children from any State operated institution for child care; or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their own homes.

9.66 FRONTAGE:

All the property on one side of a street between two intersecting streets measured along the street line, or if street is a dead-end, then all the property abutting on one side between an intersecting street and the dead-end of the street.

9.67 FURNACE/HEATING SHOP:

A facility wherein furnaces and other heating systems are sold at wholesale or retail, or where such systems are maintained or repaired.

9.68 GARAGE PARKING:

Any structure, including a multi-level structure, which provides parking spaces for the parking of vehicles and in which the selling of fuels and the repairing of vehicles are prohibited.

9.69 GARAGE, PRIVATE:

An accessory building or structure, including a carport or other enclosed or semi-enclosed area, which provides parking spaces to be used in connection with the principal building.

9.70 GENERAL OFFICE:

A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

9.71 GOVERNMENT OWNED AND OPERATED SERVICES:

Any use involving a service provided by a government agency to the public. (Ask Dudley).

9.72 GRADE:

- A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the mid-point of the wall adjoining the street.
- B. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the mid-points of all walls adjoining the streets.
- C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- D. Any wall approximately parallel to and not more than 20 feet from a street line is to be considered as adjoining the street for the purpose of this definition. Where no sidewalk exists, the grade shall be established by the Village Engineer.

9.73 GROUP QUARTERS:

Residential occupancy of all or part of a structure by a group of people that does not meet the definition of household living, hotel, motel, detention facility, or dormitory. In group living facilities, tenancy is arranged on a monthly or longer basis, there is generally a common eating area, and the size and the size of the group may be larger than a family.

9.74 GROUP RESIDENTIAL-CARE HOME:

A Residential-Care Home for seven to fifteen persons, plus supervisory personnel who are present whenever persons with disabilities are present at the Home, living together for the primary purpose of providing shelter.

9.75 GUEST UNIT:

Any sleeping room or group of rooms within a residential dwelling unit, forming a separate area used or intended to be used for living and sleeping, but not for cooking purposes, by not more than two (2) transient guests per night for a continuous period not in excess of fifteen (15) days per guest.

9.76 HELICOPTER LANDING STATION (HELIPAD):

An area designed to be used for the landing and takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

9.77 HOME IMPROVEMENT/BUILDING MATERIALS CENTER:

A facility engaged in the retail sale of various basic hardware supplies, including but not limited to tools, builders hardware, paint, glass, housewares and household appliances, and garden supplies.

9.78 HOME OCCUPATIONS:

An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services.

9.79 HOSPITAL:

A place with a full-time staff of resident licensed physicians and registered nurses and with complete facilities for the general diagnosis, treatment, and care of in-patients suffering from illness, disease, injury, deformity or other abnormal physical or mental condition and offering customary out-patient services as an accessory use.

9.80 HOTEL:

A building in which living or sleeping facilities are provided for compensation and offered to transient guests and in which one or more customary services such as maid and linen service or telephone service are provided. For the purpose of this Zoning Ordinance, the term "hotel" shall also mean motel.

9.81 HOUSE MUSEUM:

A dwelling unit which is converted from its original principal use as a dwelling unit to a permanent, staffed institution dedicated to the collecting, preservation, study, display, and educational use of objects, and which is open to the public on a regular and limited schedule, is owned and operated by a nonprofit organization under Section 501(c) (3) of the Internal Revenue Code, and has a Board of Trustees or Directors to oversee its operation and management and to ensure that the institution is true to its purpose. Further, no more than 20% of the floor area of any house so designated as a House Museum may be used for any purpose other than museum space accessible to the public. For the purposes of this definition, the basement and unfinished attic floor space of any House Museum shall not be included either in the calculation of the total floor space of the House Museum or in the calculation of the 20% of the floor space which is eligible for use for any purpose other than museum space accessible to the public.

9.82 HOUSE TOUR:

An establishment used for dwelling purposes in which all or a portion of the house is open to the public for informational tours during restricted hours.

9.83 INCINERATOR, PUBLIC:

A large oven-like device used for the burning of public refuse at high temperatures to reduce the volume of waste.

9.84 INSTITUTION:

A building occupied by a governmental or non-profit organization.

9.85 INSTITUTIONAL USE:

A non-profit or quasi-public use, either public or private, such as a religious institution, library, hospital, schools, or government-operated or owned structure or land used for a public purpose.

9.86 INTERIOR DECORATING STUDIO:

A commercial workspace for a designer specializing in home or office décor. Ask Dudley to describe characteristics of existing facilities.

9.87 LAUNDROMAT OR LAUNDERETTE:

An establishment providing home-type washing, drying or ironing machines for hire to be used by customers on the premises.

9.88 LAUNDRY, DIAPER, LINEN AND TOWEL SERVICE ESTABLISHMENT:

A business that provides laundry, diaper, linen, and towel cleaning services, with no machines for hire by the public.

9.89 LIBRARY, PUBLIC:

A public facility for the use, but not sale, of literary musical, artistic, or reference materials.

9.90 LIGHT DISTRIBUTING OPERATION:

An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, on a smaller scale than a warehouse (See definition of warehouse below.).

9.91 LOAN COMPANY:

A commercial business engaged primarily in the function of loaning money to the public.

9.92 LONG-TERM CARE FACILITY:

A licensed public or private home or institution which provides maintenance, personal care, sheltered-care, and/or nursing for three or more persons who are not related to the operator or owner by blood or marriage and who by reason of physical illness or infirmity are incapable of maintaining a private independent residence. For the purpose of this Zoning Ordinance, the term "nursing home" is replaced by the term "long-term care facility," which shall be limited to skilled nursing facilities, intermediate care facilities and sheltered care facilities as defined by The Illinois Nursing Home Care Act, as amended, and shall not include a Hospital or a Residential-Care Home.

9.93 LOT:

A zoning lot, except as the context herein shall indicate a lot of record.

9.94 LOT, CORNER:

A lot having 2 intersecting lot lines that are also street lines.

9.95 LOT OF RECORD:

A lot which, prior to the effective date of this Zoning Ordinance, was in separate ownership and has remained in separate ownership and which was, prior to such effective date, either (a) part of a subdivision plat recorded in the office of the Recorder of Deeds of Cook County, Illinois, or (b) a parcel of land the deed to which was recorded in the office of the Recorder of Deeds of Cook County, Illinois.

9.96 LOT, REVERSED FRONTAGE CORNER:

A corner lot the rear yard of which, in whole or part, directly abuts upon a side lot line of an adjoining residential lot and is not separated from such adjoining lot by an alley.

9.97 LOT, THROUGH:

A lot, which may be a corner lot, with a street line on each of 2 parallel or approximately parallel streets.

9.98 LOT, ZONING:

A parcel of land, at least one lot line of which is a street line, which is located within a single block, and which is used or is to be used, developed or built upon as a unit. A zoning lot may or may not coincide with a lot of record.

9.99 LOT LINE:

A boundary of a zoning lot.

9.100 LOT LINE, EXTERIOR SIDE:

Any side lot line that is also a street line.

9.101 LOT LINE, FRONT:

Any street line, except that in the case of a corner lot, the front lot line shall be that street line which is approximately parallel to the alley abutting the lot, provided, however, if there is no alley or there are two alleys abutting the lot, then the front lot line shall be determined by the Village Manager, as provided in Section 7.2.2.

9.102 LOT LINE, REAR:

The line that is most distant from, and is, or is most nearly, parallel to the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line for purposes of this zoning Ordinance shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line. There shall be no rear lot line in the case of a through lot.

9.103 LOT LINE, SIDE:

Any lot line that is neither a front lot line nor a rear lot line.

9.104 MAXIMUM EXTENT FEASIBLE:

Means that no feasible and prudent alternative exists and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been

undertaken. Economic considerations may be taken into account, but shall not be the overriding factor in determining “maximum extent feasible.”

9.105 MAXIMUM EXTENT PRACTICABLE:

Means that, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweighs the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize potential harm or adverse impacts resulting from noncompliance with the regulation.

9.106 MEDICAL AND ORTHOPEDIC APPLIANCE STORE:

A business engaged in the sale of medical & orthopedic appliances & products.

9.107 MORTUARY/FUNERAL HOME:

An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities.

9.108 MUSEUM:

A building having public significance by reason of its architecture or former use or occupancy; a building serving as a repository for a collection of natural, scientific, or literary curiosities, objects of interest, or works of art, and arranged, intended and designed to used by members of public for viewing, with or without an admission charge; and which may include an accessory retail outlet for the sale of goods (related to the contents of the museum) to the public.

9.109 NON-CONFORMING BUILDING OR STRUCTURE:

A building or structure lawfully existing upon the effective date of this Zoning Ordinance, which thereafter fails to conform in some respect with the regulations of the district in which it is located.

9.110 NON-CONFORMING USE:

A lawful use of a building, structure or land existing upon the effective date hereof, which use hereafter, is no longer permitted in the district in which it is located.

9.111 NURSERY/GREENHOUSE/GARDEN SHOP/PLANT SALES:

An establishment that may include land or buildings used to raise trees, shrubs, flowers, and other plants for retail sale, wholesale, or for transplanting.

9.112 NURSING HOME:

See Long-term Care Facility.

9.113 NURSING SCHOOL:

An educational institution whose sole purpose is to teach the trade of nursing and award degrees in such field of study.

9.114 OPAQUE FENCING

Solid, non-transparent fencing that effectively conceals from viewers in or on adjoining properties, street, alley, or public ways, materials and equipment stored and operations and activities conducted behind it.

9.115 OPEN PORCH OR TERRACE:

A porch or terrace other than an enclosed porch or terrace.

9.116 PARISH HOUSE/CONVENT/RECTORY:

A residence for a minister, priest, rabbi, or other members of a religious order or congregation in connection with the operation of a church.

9.117 PARKING GARAGE:

A deck, building, or parking structure intended to be used for parking and storage of vehicles.

9.118 PARKING LOT:

Any parcel of land principally used for the unenclosed parking of more than four vehicles. The term "parking" shall include the storage of vehicles for sale or rent on other premises, but not vehicles in need of repair.

9.119 PARKING SPACE:

An unenclosed area, or an area enclosed in the principle building or structure or in an accessory building or structure which is designed and intended for the parking of one vehicle and which complies with the regulations set forth in the Code of the Village of Oak Park and in Article 6.2 of this Zoning Ordinance.

9.120 PAWN SHOP:

Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the property back again to the pledger or depositor, or loans or advances money on personal property

by taking chattel mortgage security thereon, and takes or receives such personal property.

9.121 PERSONAL SERVICES:

Uses that include but are not limited to a barber or beauty shop, shoe repair, a tailor or dressmaking shop, clothing rental agencies, employment agencies, household equipment and appliance repair, locksmiths, packaging and shipping services less than 1,500 square feet in area, ticket agencies, and travel bureaus, and similar uses.

9.122 PLANNED DEVELOPMENT:

A high intensity development of land under single ownership or control permitting increased bulk, density, mixed uses, and two or more principle buildings on a lot.

9.123 POST OFFICE:

A government owned or leased facility containing: (1) service windows for the mailing of packages or letters, (2) post office boxes for rent to members of the public, and (3) mail sorting and distribution facilities.

9.124 PRINT SHOP:

A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processing includes, but are not limited to, photocopying, blueprinting, sending and receiving facsimiled, and offset printing.

9.125 RADIO TOWER:

A columnar structure exceeding 15 feet in height, whether or not secured by guy wires, which is designed intended or used for transmitting and/or receiving radio, television or other electronic signals.

9.126 RADIO/TELEVISION TRANSMITTING AND RECEIVING DEVICE:

A telecommunications device used for transmitting or receiving of radio or television waves.

9.127 RECREATIONAL VEHICLES (INCLUDING BOATS):

A travel trailer designed and used for travel and recreational purposes; a pick-up coach or camper designed to be mounted on a pickup or truck chassis and to be used for travel and recreational purposes; a camper trailer built on a chassis or metal unit body with a canvas or metal superstructure designed and used for travel and recreational purposes; and a motor home designed and constructed as an integral part of a self-propelled vehicle and used for

recreational purposes, together with a trailer designed and used for towing. No recreational vehicle or boat shall be greater than 30 feet in length (in case of a travel trailer, excluding the "All frame but including all usable interior space, and in the case of a boat trailer, excluding the "All frame) greater than 8 feet in width or greater than 11 feet in height.

9.128 RELIGIOUS READING ROOM:

A room or space provided by a non-profit religious institution for the reading of books related to faith or religion.

9.129 RESEARCH OR TESTING LABORATORIES:

An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

9.130 RESIDENTIAL-CARE HOME:

A dwelling occupied by persons with disabilities, in which one or more supervisory personnel provide care, education and/or participation in community activities for the residents with the primary goal of developing or exercising the resident's basic skills for daily living. As used herein, a person with disabilities is any individual with one or more mental, intellectual or physical impairments which:

- A. Are likely to continue for a significant period of time or indefinitely;
- B. Result in functional limitations in three or more of the following areas of major life activities; {1} self care, {2} receptive or expressive language, {3} learning, {4} mobility, {5} self-direction, {6} capacity for independent living, and {7} economic self-sufficiency; and
- C. Reflect the person's need for a combination of special interdisciplinary or generic care, treatment or other services.
- D. However, such impairments shall not include the current illegal or addictive use of a controlled substance (as defined in Section 102 of -the Controlled Substance Act § 21 U.S.C. 8021. Further, such homes shall not include any person whose residency would constitute a direct threat to the health or safety of other individuals; and such home shall not include foster homes, nursing homes, work-release facilities for convicts or ex-convicts or housing facilities as an alternative to incarceration.

9.131 RESTAURANT:

A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building (unless an attached drive-up

facility exists where food is dispensed for off-site consumption), and where food and beverage sales constitute more than 80 percent of the gross sales receipts.

9.132 RETAIL BUSINESS SHOPS:

A commercial establishment that provides goods directly to the consumer. Such stores include but are not limited to antique stores, art galleries, pet shops, video rental stores, an awning, and shade or Venetian blind & similar establishments.

9.133 ROOMING HOUSE:

A building in which sleeping quarters (but no meals or cooking facilities) are provided by pre-arrangement for compensation on a weekly or longer basis for three or more persons who are not members of the keeper's family. For the purposes of this Zoning Ordinance, the term "rooming house" shall also mean lodging house, and a rooming house shall not include a Residential-Care Home or Nursing Home.

9.134 SANITARIUM:

A health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

9.135 SCHOOL:

A Public elementary or high school or a parochial or private school having a curriculum equivalent to that of a public elementary school or high school and having no rooms regularly used for the overnight accommodation of students.

9.136 SCHOOL HOUSING FACILITY:

A multi-unit residential facility designed to be occupied by students and faculty of a nearby educational facility. Ask Dudley about characteristics of existing facilities.

9.137 SECONDHAND SHOP

A retail establishment engaging in the sale of previously used merchandise, such as clothing, household furnishings or appliances, or sports and recreational equipment.

9.138 SCHOOL, ELEMENTARY:

An educational facility that serves students between the kindergarten and high school. Includes middle schools.

9.139 SCHOOL, HIGH SCHOOL:

An education facility that serves students in the ninth, tenth, eleventh, and twelfth grades.

9.140 SHEET METAL SHOPS:

Discuss with staff

9.141 SHELTERED-CARE HOME:

See Long-term Care Facility.

9.142 SHOWROOM:

An establishment whose principal business is wholesale trade, display, or distribution of plumbing and heating products, supplies, and equipment including but not limited to plumbing and heating. Accessory offices may be included.

9.143 SHRUB:

A self-supporting woody perennial plant of low or medium height characterized by multiple stems and branches continuous from the base, usually not more than ten feet (10') in height at maturity.

9.144 SIGNIFICANT TREE:

A tree that is 12 inches or more caliper measured 6 inches above the ground & evergreen trees 6 feet or more in height.

9.145 STREET:

A right-of-way, dedicated or used as a public thoroughfare or easement that affords a primary means of access to contiguous property and is 33 feet or more in width.

9.146 STREET LINE:

A lot line that is also the boundary line of the right-of-way of an existing or dedicated street.

9.147 STRUCTURAL ALTERATION:

Any change, other than incidental repairs, in the supporting members of a building or structure, such as load bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or in the exterior walls.

9.148 STRUCTURES:

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Without limitation on the foregoing, a structure shall include buildings, fences, walls, billboards and signs.

9.149 STUDIO (ARTIST, PHOTOGRAPHY, RECORDING)

A place designed to be used as both a dwelling place and a place of work by an artist, artisan, craftsperson, etc., including persons engaged in the application, teaching, or performance of fine arts, such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

9.150 SWIMMING POOL SALES AND SERVICE:

An establishment engaged in retail or wholesale selling of and servicing of swimming pools.

9.151 TAXIDERMIST:

A facility for preparing, stuffing, and mounting of dead animals, birds, fish, or reptiles for the purpose of display.

9.152 THEATER:

A facility for showing motion pictures or staging theatrical performances or other performing arts to an audience inside an enclosed structure.

9.153 TOUR:

A visit to an accessory use tour house by one or more persons for the purpose of walking around and/or through and observing the premises for a fee.

9.154 UPHOLSTERY SHOP:

A business that repairs and replaces upholstery to household and office furnishings.

9.155 UTILITY, MAJOR:

Generating plants, electrical substations, above ground electrical transmission lines, switching buildings, refuse collection, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities.

9.156 UTILITY, MINOR:

Utility facilities that are necessary to support legally established uses and involve only minor structures such as poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment.

9.157 VENDING MACHINE:

Any unattended self-service device that, upon insertion of a coin, coins, or token, or by similar means, dispenses anything of value including food, beverage, goods, wares, merchandise or services.

9.158 VILLAGE MANAGER:

The Chief Administrative Officer of the Village of Oak Park or his/her designee.

9.159 WAREHOUSE:

A building whose use is characterized by storage, wholesale, and distribution of manufactured products, supplies, and equipment.

9.160 WELDING:

An activity involving the heating of metal and fusing it to other metals or inorganic materials.

9.161 YARD:

An open space upon a lot unoccupied and unobstructed by any building or structure or portion thereof from the ground upward, except for permitted buildings and structures enumerated in Section 4.6 of this Zoning Ordinance. The depth or width of a yard for purposes of determining compliance with the minimum yard requirements for the zoning district in which the lot is located, shall be measured in accordance with the method set forth in Section 7.2.1.

9.162 YARD, EXTERIOR SIDE:

Any side yard which has an exterior side lot line.

9.163 YARD, FRONT:

A yard extending the full length of a front lot line between the side lot lines and lying between the front line of the lot and line of the building excluding entrance ways, bays, balconies and open porches or terraces.

9.164 YARD, REAR:

A yard extending the full length of a rear lot line between the side lot lines and lying between the rear line of the lot and the line of the building excluding entrance ways, bays, balconies and open porches or terraces.

9.165 YARD, SIDE:

A yard extending along a side lot line between the front yard and the rear yard or, if there is no front or rear yard, between the front and rear lot lines and lying between the main building and a side lot line.

INDEX