

# CITY OF OAK FOREST

## Planning and Zoning Commission

Meeting Agenda

Wednesday, November 5, 2025 – 7:00 p.m.

Council Chambers, City Hall



15440 S. Central Avenue  
Oak Forest, IL 60452  
(708) 687-4050

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### Call to Order

### Pledge of Allegiance

### Roll Call

### New Business

1. ZC #25-27 – Portable Outdoor Storage Containers – Text Amendment: **PUBLIC HEARING** - The applicant requests review and consideration to update the following provisions of the City of Oak Forest Zoning Code: Part I-A Accessory and Temporary Structures and Uses.
2. Sign Code – Presentation and Discussion on Temporary Signs and Commonly Approved Variances: **PUBLIC MEETING**
3. Drive Through SUP – 16700 Cicero Avenue – Preliminary Discussion

### Approval of Minutes

1. October 15, 2025

### Citizen Participation

### Adjournment



**Title:** Text Amendment

**Case Number:** ZC #25-27

**Request:** TEXT AMENDMENT  
The applicant requests review and consideration to update the following provisions of the City of Oak Forest Zoning Code: Part I-A Accessory structures and Uses

**Application Information:**

**Applicant:** City of Oak Forest

**Meeting Date:** November 5th, 2025

**Notice Published:** October 20, 2025  
Daily Southtown

**Staff:** Hunter Heyman, Community Planner

**I. REQUEST**

The applicant requests review and consideration to update the following provisions of the City of Oak Forest Zoning Code: Part I-A Accessory and Temporary Structures and Uses

The Planning and Zoning Commission shall recommend that City Council approve, approve with conditions, or deny the request. Upon receipt of this recommendation, Council shall then make a final determination.

**II. ZONING TEXT AMENDMENT**

See Exhibit B in the Accompanying Resolution 25-29.

**III. ANALYSIS**

The proposed updates to the accessory use section of the zoning code incorporates ordinance 2011-05-0342 which regulates Portable Outdoor Storage Units into the Zoning Code. Previously this ordinance was not a part of a city of zoning code and as a result it was difficult to reference. As a result, we are taking this already approved ordinance and putting it in the zoning code.

Additionally, when incorporating this ordinance staff saw that all of the current temporary uses in the Zoning Code were covered in the city code because they were not regulating structures, they were regulating types of events. As a result, staff confirmed that each use was covered in some way already in the city code either through the special event regulations or specific licensing regulation and as such we subsequently removed the requirements from the zoning code.

**CONCLUSION**

STANDARDS FOR TEXT AMENDMENT	
<i>Code Consistency.</i>	<p><i>The consistency of the proposed amendment with the purposes of this code.</i></p> <p><b>Met.</b> The text amendment would be consistent with the general Zoning Code.</p>
<i>Community Need.</i>	<p><i>The community need for the proposed amendment and for the uses and development it would allow.</i></p> <p><b>Met.</b> The text amendment ensures that public streets and sidewalks are not used for storage of private storage pods.</p>
<b>TOTAL MET: 2 of 2 standards</b>	

**IV. PZC MOTION**

Motion to affirm PZC Resolution 25-29 recommending approval of a text amendment to update Article I-A Accessory and Temporary Structures and Uses.

**CITY OF OAK FOREST**

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PZC RESOLUTION NO. 25-29

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**A RESOLUTION APPROVING A TEXT AMENDMENT TO UPDATE THE FOLLOWING PROVISIONS OF THE  
CITY OF OAK FOREST ZONING CODE: ARTICLE I-A ACCESSORY AND TEMPORARY STRUCTURES AND  
USES**

(Accessory Uses Text Amendment – ZC# 25-27)

Passed by the Planning and Zoning Commission, November 5<sup>th</sup>, 2025

CITY OF OAK FOREST  
COOK COUNTY, ILLINOIS

PZC RESOLUTION NO. 25-29

**BE IT RESOLVED** by the Planning and Zoning Commission of the City of Oak Forest, Cook County, Illinois, THAT:

**A RESOLUTION APPROVING A TEXT AMENDMENT TO UPDATE THE FOLLOWING PROVISIONS OF THE CITY OF OAK FOREST ZONING CODE: ARTICLE I-A ACCESSORY AND TEMPORARY STRUCTURES AND USES**

(Accessory Uses Text Amendment – ZC# 25-27)

shall be, and is hereby, adopted as follows:

**WHEREAS**, City of Oak Forest (“Applicant”) filed an application for text amendments to City of Oak Forest Zoning Code: Article I-A Accessory and Temporary Structures and Uses

**WHEREAS**, the Applicant’s proposed amendments are fully set forth in **Exhibit A**, which is attached and by this reference incorporated in to this resolution; and

**WHEREAS**, a public notice was duly published in the Daily Southtown on October 22, 2025 and a public hearing was convened before the Planning and Zoning Commission (“PZC”) on November 5, 2025; and

**WHEREAS**, the PZC has considered all of the evidence presented to it, including without limitation, those demonstrative exhibits attached and incorporated in to this resolution by this reference as **Exhibit B**;

**NOW THEREFORE, BE IT RESOLVED** by the Planning and Zoning Commission of the City of Oak Forest, Cook County, based on the foregoing recitals which are hereby incorporated by reference, that:

**Section 1. FINDINGS.**

Based on the evidence presented at the public hearing, the PZC hereby finds that the public good demands or requires the Applicant’s proposed amendments set forth in **Exhibit B**.

**Section 2. RECOMMENDATION.**

Based on the findings of fact set forth in **Exhibit A** of this resolution, the PZC hereby recommends the adoption of the Applicant’s proposed amendments set forth in **Exhibit B**.

**ADOPTED**

This 5th Day of November, 2025

**APPROVED** By Chairman

This 5th Day of November, 2025

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MIKE ZIAK, CHAIRMAN

Commissioners	Aye	Nay	Abstain	Absent
Rick Larson				
Jeffery Ater				
Bryan LaRoche				
Robert McGrath				
Mike Forbes				
Glen Runge				
Jake Bittner				
Donald Guisinger				
Mike Ziak				

**EXHIBIT A**  
Findings of Fact

<b>STANDARDS FOR TEXT AMENDMENT</b>	
<i>Code Consistency.</i>	<i>The consistency of the proposed amendment with the purposes of this code.</i>  <b>Met.</b> The text amendment would be consistent with the general Zoning Code.
<i>Community Need.</i>	<i>The community need for the proposed amendment and for the uses and development it would allow.</i>  <b>Met.</b> The text amendment ensures that public streets and sidewalks are not used for storage of private storage pods.
<b>TOTAL MET: 2 of 2 standards</b>	

**EXHIBIT B**  
Redlined Text Amendment



**CITY OF OAK FOREST  
ZONING CODE**

*Adopted March 11, 2014  
Last Amended October 28, 2025*

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## ARTICLE I. TITLE AND PURPOSE

### 1-101: TITLE

This document will be known, and may be referred to, as the Zoning Code of Oak Forest.

### 1-102: AUTHORITY AND PURPOSE

Section 6(a) of Article VII of the Constitution of the State of Illinois (1970) provides that any municipality which has a population of more than 25,000 is a Home Rule Unit. The City, with a population in excess of 25,000, is a Home Rule Unit and may, therefore, exercise any power and perform any function pertaining to its government and affairs. This Code is adopted pursuant to such Constitutional authority for the following purposes:

#### A. Land Use Patterns:

1. Implement and foster the goals and policies of the City's Official Comprehensive Plan;
2. Establish a rational pattern of land uses and encourage the most appropriate use of individual parcels and land throughout the City;
3. Provide for the gradual elimination of nonconforming uses that adversely affect the character and value of permitted development;
4. Protect the character of the existing residential, commercial, office and manufacturing areas in the City from the encroachment of incompatible uses;
5. Promote the rational and orderly redevelopment of transitional areas and areas lacking a defined character otherwise provided for in this Code;
6. Achieve a sustainable pattern of development that provides for well designed, compatible, and economically viable commercial, employment, and industrial land use areas;
7. Encourage compatibility among different land uses;
8. Encourage and enhance the preservation of natural resources, aesthetic amenities and natural features;
9. Secure adequate natural light, clean air, privacy, a safe environment and convenience of access to property; and
10. Promote and protect the public health, safety, morals and general welfare of the City.

#### B. Public Infrastructure.

1. Facilitate the most efficient use of existing and planned public facilities and utilities.
2. Protect existing public facilities and utilities from being overloaded due to excess development;
3. Protect and enhance a pattern of interconnected streets and highways that is unified, integrated, safe, effective and efficient;
4. Regulate use along arterial streets and highways to protect their through-traffic function and capacity;
5. Protect residential streets from degradation by non-residential traffic;
6. Reduce congestion and promote safety on streets and highways by limiting traffic generation through the control of land use intensity;
7. Avoid or lessen the hazards of flooding and storm water accumulation and run-off; and
8. Establish and regulate setback lines along streets and highways, property lines and storm and flood water run-off channels and basins.

C. Justifiable Expectations and Taxable Value.

1. Protect and respect the justifiable reliance of existing residents, business people and taxpayers on the continuation of existing, established land use patterns;
2. Establish procedures for the efficient and effective use of provisions of this Code;
3. Establish standards for the review of applications filed pursuant to this Code; and
4. Protect and enhance the taxable value of land and buildings.

D. Administration.

1. Define the powers and duties of administrative officers and bodies necessary to administer this Code;
2. Establish procedures for the efficient and effective use of the provisions of this Code;
3. Establish standards for the review of applications filed pursuant to this Code; and
4. Prescribe penalties for the violation of the provision of this Code.

## ARTICLE II. ZONING DISTRICTS AND OFFICIAL ZONING MAP

### 2-101: ESTABLISHMENT OF ZONING DISTRICTS

In order to carry out the purposes of this Code, the City is hereby divided into the following zoning districts:

A. Neighborhood Residential Districts. (Article III)

- R1 Neighborhood Residential District
- R2 Neighborhood Residential District
- R3 Neighborhood Residential District
- R4 Neighborhood Residential District

B. Multiple Family Residential District. (Article IV)

- R5 Multiple Family Residential District
- R6 Multiple Family Residential District

C. Commercial Districts. (Article V)

- C1 Local Commercial District
- C2 General Service Commercial District
- C3 Central Business District

D. Office Districts. (Article VI)

- O1 Office District

E. Industrial Districts. (Article VII)

- I1 Industrial District

F. Special Districts. (Article VIII)

- GRD Gateway Redevelopment District
- OS Open Space District
- IB Institutional Building District

## **2-102: INTERPRETATION OF DISTRICT SEQUENCE**

### **A. General Rule.**

This Code rejects as outdated and inappropriate the concept of hierarchical and cumulative zoning districts and is, except as noted below, based on the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development and to protect that development from being encroached upon by incompatible types of development.

### **B. Special Rule.**

Within the foregoing philosophy, however, it is recognized that when different districts are juxtaposed, their differing characters may require special treatment to ameliorate incompatibilities that might otherwise result. For that limited purpose, this Code recognizes the concept of more Restrictive and less restrictive districts. For this purpose, the districts established by this Code shall be considered more restrictive or less restrictive in accordance with the following rules:

1. The R1 District shall be deemed to be the most restrictive residential district and the R6 District shall be deemed to be the least restrictive residential district and residential districts shall be deemed to become less restrictive as the district number increases.
2. Residential Districts shall be deemed to be more restrictive than any non-residential district, except the Open Space District.
3. Business and Office Districts shall be deemed to be more restrictive than the Industrial District and shall, as among themselves, be deemed to become less restrictive as the permitted building height increases.
4. Districts with equal height limits shall be deemed to become less restrictive as the permitted building height increases.
5. The Open Space District shall be more restrictive than any other District.

## **2-103: ZONING MAP**

### **A. Map Incorporated.**

The location and boundaries of the zoning districts established by this Code are as shown on a map entitled Zoning Map of the City of Oak Forest, Illinois, hereafter referred to as the Zoning Map, which is by this reference incorporated as part of this Code. All notations, references and other information shown on the Zoning Map, and all amendments thereto, shall be as much a part of this Code as if specifically set forth and literally described herein.

### **B. Omitted Land.**

It is the intent of this Code that the entire area of the City, including all land and water areas, be included in the districts established by this Code. Any area lying within the City but not shown on the Zoning Map as being included in such a district shall be deemed to be, and it is hereby, classified in the R1 Neighborhood Residential District.

C. District Boundaries.

In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. The district boundaries are the center lines of tollways, expressways, highways, streets, alleys, waterways, railroads and other rights-of-way unless otherwise indicated. Where designation of a boundary line on the Zoning Map coincides with the location of any such right-of-way, the center line of such right-of-way shall be construed to be the boundary of such district.
2. Where a district boundary does not coincide with the location of any right-of-way but does coincide with a lot line, such lot line shall be construed to be the boundary of such district.
3. Where a district boundary does not coincide with the location of any right-of-way or lot line, the district boundary shall be determined by the use of the scale shown on the Zoning Map.

D. Maintenance and Availability of Official Zoning Map.

The official copy of the Zoning Map shall be maintained by the Community Development Director and shall be available for public inspection during the City business hours at the City Hall. Any amendment to zoning district boundaries or any change in any other information shown on the Zoning Map made by amendment to this Code shall be indicated on the official copy of the Zoning Map.

E. Mapping of Parcel Affected by Court Decrees.

Parcels of land affected by court decrees shall be shown on the Zoning Map in accordance with the provisions of Subsection 12-106 of this Code.

**2-104: ANNEXED LAND**

A. Annexation of Fully Developed Land.

All land which shall, after the effective date of this Code, be annexed to the City and which shall, on the date of such annexation, be fully developed and have no area sufficient for the creation of a developable zoning lot shall upon such annexation be automatically classified into the City Zoning District that is, in the opinion of the City Council, most compatible with the development existing on and around such land.

B. Annexation of Undeveloped or Partially Developed Land.

All land which, after the effective date of this Code, shall be annexed to the City and which, on the date of such annexation, shall be undeveloped or partially developed and have sufficient area for the creation of a developable zoning lot, shall upon such annexation be automatically classified in the R1 Neighborhood Residential District.

C. Application for Different Classification.

When any land is classified pursuant to this Section, it shall remain so classified unless and until an application to amend such classification is filed and granted pursuant to Section 11-301 of this Code, which application may, however, be filed prior to or contemporaneously with the annexation of the land in questions.

## **ARTICLE III. NEIGHBORHOOD RESIDENTIAL DISTRICTS**

### **3-101: PURPOSE**

Four zoning districts are provided for residential development. Only service uses that are compatible with the residential character of each zoning district and Assembly Uses and their associated elementary and secondary schools are allowed as permitted or special permit uses in addition to permitted residential uses.

The four Neighborhood districts blend, in combination with the multiple family districts in Article IV, to provide a broad range of opportunity for the development and preservation of housing responsive to diverse demand. The districts, while distinct, permit a harmonious spectrum of housing alternatives.

The Neighborhood districts provide for a range of housing densities from low density estate-type lots in a semi-rural setting (R1) through lots of modest size with greater density potential (R4). The intervening districts (R2, R3) provide gradation of lot area, frontage and setback requirements.

The availability of special permits for planned developments in all Neighborhood districts allows for varied plan treatment while maintaining the essential character of the district as it relates both to housing type and overall density.

In the Neighborhood district, the combination of uniform use regulations and varied bulk and setback regulations is intended to:

- A. Perpetuate the existing high quality residential character of the City by preserving established neighborhoods while encouraging beneficial new development consistent with the overall character of the existing City;
- B. Accommodate persons with diverse economic circumstances and life-style preferences seeking to establish or maintain residence in the City through the various stages of life; and
- C. Implement, through reasonable regulation, the purposes and intent of this Code.

### **3-102: PERMITTED USES AND SPECIAL PERMIT USES**

In interpreting the permitted and special use designations, reference should be made to the North American Industry Classification System, as amended by the City (see Appendix A) and Section 11-501 of this Code.

### **3-103: ACCESSORY STRUCTURES AND USES**

Accessory structures and uses are permitted in all Neighborhood Residential Districts subject to the provisions of Section 9-101 of this Code.

### **3-104: TEMPORARY USES**

Temporary uses are permitted in all Neighborhood Residential Districts subject to the provisions of Section 9-103 of this Code.

### **3-105: PARKING & LOADING REQUIREMENTS**

The parking and loading requirements applicable in all Neighborhood Residential Districts are set forth in Sections 9-104 and 9-105 of this Code. Footnote references appear in Subsection 3-110 F at the end of the table.

### **3-106: SIGN REGULATIONS**

Sign regulations applicable in all Neighborhood Residential Districts are set forth in Section 9-106 of this Code.

### **3-107: BUFFERS & LANDSCAPING**

Requirements relating to buffering and landscaping of certain uses and structures in Neighborhood Residential Districts are set forth in Section 9-107 of this Code.

### **3-108: BULK, SPACE AND SETBACK REQUIREMENTS**

The building height, lot area, ~~yard~~-setback and dwelling size requirements applicable in the Neighborhood Residential Districts are subject to the table in Appendix B.

## **ARTICLE IV. MULTI-FAMILY RESIDENTIAL DISTRICTS**

### **4-101: PURPOSE**

Two zoning districts are provided for multiple family residential development and two zoning districts are provided in Article VIII and one zoning district is provided in Article IX of this Code for multiple family residential development in combination with certain complementary non-residential uses.

The R5 District provides for single family detached and townhouse-type dwellings, and is intended to function as a transition between single family detached neighborhoods and other, less restrictive, zoning districts. The R5 District provides for a wider variety of single family dwelling types with the flexibility offered through planned developments. The permitted use and bulk regulations are designed to encourage a moderate density residential area including an alternate housing type.

The R6 District is intended to allow modestly higher density townhouse-type homes as well as permitting various residential building types, including multiple family dwellings, which may result in higher densities than in single family developments.

### **4-102: PERMITTED USES**

In interpreting the permitted and special use designations, reference should be made to the North American Industry Classification System, as amended by the City (see Appendix A) and Section 11-501 of this Code.

### **4-103: ACCESSORY STRUCTURES AND USES**

Accessory structures and uses are permitted in all Multiple Family Residential Districts subject to the provisions of Section 9-101 of this Code.

### **4-104: TEMPORARY USES**

Temporary uses are permitted in all Multiple Family Residential Districts subject to the provisions of Section 9-103 of this Code.

### **4-105: PARKING AND LOADING REQUIREMENTS**

The parking and loading requirements applicable in all Multiple Family Residential Districts are set forth in Sections 9-104 and 9-105 of this Code.

### **4-106: SIGN REGULATIONS**

Sign regulations applicable in all Multiple Family Residential Districts are set forth in Section 9-106 of this Code.

### **4-107: BUFFERS AND LANDSCAPING**

Requirements relating to buffering and landscaping of certain uses and structures in Multiple Family Residential Districts are set forth in Section 9-107 of this Code.

#### **4-108: BULK, SPACE AND SETBACK REQUIREMENTS**

The building height, lot area setback, and dwelling unit size requirements applicable in the Multiple Family Residential Districts are subject to the table in Appendix B.

## **ARTICLE V. COMMERCIAL DISTRICTS**

### **5-101: PURPOSE**

Four zoning districts are provided for commercial uses and two zoning districts are provided in Article VIII of this Code for commercial uses that are complementary to multiple family residential uses. When taken together, these districts are intended to permit development of property for the full range of commercial uses needed to serve the citizens of Oak Forest and surrounding areas in a suburban setting.

Specifically, the C1 Local Commercial District is intended to provide for local and neighborhood retail and service commercial establishments. The C2 General Service Commercial District is intended to provide for general commercial activity, including what has traditionally been called highway commercial activities for large more intense commercial developments such as shopping centers, strip centers and establishments with areas of outside product display and sales such as automobile dealerships. The C3 Central Business District is intended to serve the entire Oak Forest suburban community with a wider variety of retail and service uses.

### **5-102: PERMITTED USES AND SPECIAL PERMIT USES**

In interpreting the permitted and special use designations, reference should be made to the North American Industry Classification System, as amended by the City (see Appendix A) and Section 11-501 of this Code.

### **5-103: ACCESSORY STRUCTURES AND USES**

Accessory structures and uses are permitted in all Commercial Districts subject to the provisions of Section 9-101 of this Code.

### **5-104: TEMPORARY USES**

Temporary uses are permitted in all Commercial Districts subject to the provisions of Section 9-103 of this Code.

### **5-105: PARKING AND LOADING REQUIREMENTS**

The parking and loading requirements applicable in all Commercial Districts are set forth in Sections 9-104 and 9-105 of this Code.

### **5-106: SIGN REGULATIONS**

Sign regulations applicable in all Commercial Districts are set forth in Section 9-106 of this Code.

### **5-107: BUFFERS AND LANDSCAPING**

Requirements relating to buffering and landscaping of certain uses and structures in Commercial Districts are set forth in Section 9-107 of this Code.

## 5-108: USE LIMITATIONS

### A. C1 Local Commercial District

1. New Structures. Any new structure constructed in the C1 District shall be designed to be compatible in appearance with adjacent single family residential structures. The quality of exterior design and materials shall be equal on facades of the structure.
2. Exterior Lighting. No exterior lighting shall be located in any required rear setback in the C1 District.
3. Signage. No business sign located in the C1 District shall be in direct view of any abutting residential lot.

### B. C3 Central Business District

1. Single Family Detached Dwelling Units. Single family detached dwelling units located on lots which do not occupy frontage on a major arterial street and/or state highway are permitted within the C3 District. Additionally, single family detached dwelling units also located on lots with frontage on Cicero Avenue between 159th Street and 162nd Street, with the exception of property in the Redevelopment Overlay District, are permitted within the C3 District.

### C. All Commercial Districts

1. Manufacturing Limited. No manufacturing, processing or treatment of products shall be conducted on the premises except those that are incidental to a principal retail business use. At least 75 percent of all products produced on the premises shall be sold at retail on the premises.
2. Storage Limited. No storage or warehousing of any product shall be permitted except such as is incidental to a principal retail use.
3. Above Ground Tanks. No above ground tanks designed or used for the storage of flammable or combustible liquids shall be located less than 600 feet from the lot line of any lot on which a fire station is located.

### D. Outdoor Display of Merchandise. For displays of merchandise not otherwise permitted under Section 9-103 of this Code regarding Temporary Uses, the outdoor display of merchandise shall be permitted in any Commercial District subject to the following conditions, standards, and requirements:

1. Permit. The owner of the property on which the merchandise is to be displayed shall obtain a permit from the City Administrator prior to the display of any merchandise outdoors. No permit shall be issued unless a plan is submitted to the City Administrator by the owner illustrating the intended locations on the property where any merchandise will be displayed outdoors. The plan shall be subject to

review by the Police, Fire, Public Works and Development Departments to ensure the proposed outdoor display will not pose a public safety hazard. The plan shall clearly illustrate the following:

- (a) All property lines, sidewalk and building locations, fire hydrants, parking areas, and fire lanes; and
  - (b) The location of an unobstructed pedestrian walkway with a width of at least five feet providing ingress and egress to all entrances and exits to all buildings or structures on the property. If the outdoor display will be located on property with adjacent businesses, there shall be an unobstructed path of at least five feet in width to and from the front of every adjoining business.
  - (c) Upon review and approval of the plan, the City Administrator shall issue a permit subject to such conditions as he or she deems necessary to ensure that the outdoor display will not cause a public nuisance.
2. Term. The permit shall be valid for a term not to exceed one year. Renewal of a permit shall require City review and approval of a new plan pursuant to the procedures and conditions of Paragraph 5-108 D1 of this Code.
  3. General Standards. The owner shall ensure that any outdoor display of merchandise satisfies the following conditions, standards, and requirements at all times:
    - (a) The display does not block or hinder access to the emergency exits of any building or structure or any fire lane on the property;
    - (b) The display contains only merchandise available for sale within the building or structure adjacent to, or in close proximity to, the display;
    - (c) The display does not encroach on any parking area; and
    - (d) The display is maintained in a neat, clean, and orderly fashion.
  4. Revocation. The failure of an owner to comply with the terms of the permit or the conditions, standards and requirements of this Subsection 5-108 shall be grounds for the immediate revocation of the permit by the City.

### **5-109: BULK, SPACE AND SETBACK REQUIREMENTS**

The building height, lot area, setback, and dwelling unit size requirements applicable in the Commercial Districts are subject to the table in Appendix B.

## ARTICLE VI. OFFICE DISTRICT

### 6-101: PURPOSE

One zoning district is provided for office development. This office district provides a broad range of opportunities for the development and preservation of office space responsive to diverse demands.

In the office district, the use regulations and bulk and setback regulations is intended to perpetuate the existing high quality character of the City by preserving established office use areas while encouraging beneficial new office development in a variety of suburban settings consistent with the overall character and land use patterns of the existing City;

### 6-102: PERMITTED USES AND SPECIAL PERMIT USES

In interpreting the permitted and special use designations, reference should be made to the North American Industry Classification System, as amended by the City (see Appendix A) and Section 11-501 of this Code.

### 6-103: ACCESSORY USES AND STRUCTURES

Accessory uses and structures are permitted in the Office District subject to the provisions of Section 9-101 of this Code.

### 6-104: TEMPORARY USES

Temporary uses are permitted in the Office District subject to the provisions of Section 9-103 of this Code.

### 6-105: PARKING AND LOADING REQUIREMENTS

The parking and loading requirements applicable in the Office District are set forth in Sections 9-104 and 9-105 of this Code.

### 6-106: SIGN REGULATIONS

Sign regulations applicable in the Office District are set forth in Section 9-106 of this Code.

### 6-107: BUFFERS & LANDSCAPING

Requirements relating to buffering and landscaping of certain uses and structures in the Office District are set forth in Section 9-107 of this Code.

### 6-108: USE LIMITATIONS

- A. Noise. No noise (other than ordinary vehicular noise) from operations of any use in the Office Districts shall be detectable at any point off the zoning lot on which the use is located.

- B. Glare and Heat. No excessive glare or heat from any operations of any use in the Office District shall be detectable at any point off the zoning lot on which the use is located or detectable from any adjacent use on a multi-use lot.
- C. Vibration. No earth-borne vibration from any operations of any use in the Office District shall be detectable at any point off the zoning lot on which the use is located or detectable from any adjacent use on a multi-use lot.
- D. Air Pollution. No air pollution, including smoke or gas, odors and particulate matter, from any operations of any use in the Office District shall be detectable at any point off the zoning lot on which the use is located or detectable from any adjacent use on a multi-use lot, unless in compliance with all applicable regulations of the Illinois Environmental Protection Agency.
- E. Electromagnetic Interference. Electromagnetic interference from any operations of any use in the Office District shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates or any equipment located in any adjacent use on a multi-use lot.
- F. Fire and Explosive Hazards. Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with all applicable federal, state and local laws.
- G. Special Hazards. Hazardous, toxic and radioactive materials shall be transported, stored and used only in conformance with all applicable federal, state and local laws.
- H. Safety Equipment. No research, development, or testing facility classified as a "high-hazard use" by the City Building Code shall be established after March 6, 2004 unless the building in which such use is established shall be equipped with sprinkler systems, automatic fire detection and suppression systems and Class 1 electrical fixtures as required by the then current City Codes for new construction.
- I. Above Ground Tanks. No above ground tanks designed or used for the storage of flammable or combustible liquids shall be located less than 600 feet from the lot line of any lot on which a fire station is located.
- J. Laboratories. Any laboratory activities shall comply with the applicable biosafety level precautions as defined by the Centers for Disease Control and Prevention.

#### **6-109: BULK, SPACE & SETBACK REQUIREMENTS**

The building height, lot area, setback, and dwelling unit size requirements applicable in the Office District are subject to the table in Appendix B.

## ARTICLE VII. INDUSTRIAL DISTRICT

### 7-101: PURPOSE

The Industrial District is provided to accommodate a range of manufacturing, warehousing, transportation and wholesaling uses that are compatible with the suburban residential character of the City.

### 7-102: PERMITTED USES, CONDITIONAL USES, AND SPECIAL PERMIT USES

In interpreting the permitted and special use designations, reference should be made to the North American Industry Classification System, as amended by the City (see Appendix A) and Section 11-501 of this Code.

### 7-103: ACCESSORY USES AND STRUCTURES

Accessory uses and structures are permitted in the Industrial District subject to the provisions of Section 9-101 of this Code.

### 7-104: TEMPORARY USES

Temporary uses are permitted in the Industrial District subject to the provisions of Section 9-103 of this Code.

### 7-105: PARKING AND LOADING REQUIREMENTS

The parking and loading requirements applicable in the Industrial District are set forth in Section 9-104 and 9-105 of this Code.

### 7-106: SIGN REGULATIONS

Sign regulations applicable in the Industrial District are set forth in Section 9-106 of this Code.

### 7-107: BUFFERS AND LANDSCAPING

Requirements relating to buffering and landscaping of certain uses and structures in the Industrial District are set forth in Section 9-107 of this Code.

### 7-108: USE LIMITATIONS

- A. Noise. No noise (other than ordinary vehicular noise) from operations of any use in the Industrial District shall be detectable at any point off the zoning lot on which the use is located.
- B. Glare and Heat. No glare or heat from any operations of any use in the Industrial District shall be detectable at any point off the zoning lot on which the use is located.
- C. Vibration. No earth-borne vibration from any operations of any use in the Industrial District shall be detectable at any point off the zoning lot on which the use is located.

- D. Electromagnetic Interference. Electromagnetic interference from any operations of any use in the Industrial District shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates.
- E. Fire and Explosive Hazards. Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with applicable federal, state and local laws.
- F. Special Hazards. Hazardous, toxic and radioactive materials shall be transported, stored and used only in conformance with all applicable federal, state and local laws.
- G. Safety Equipment. No research or development laboratory or commercial testing facility requiring a special permit shall be established after the effective date of this Code unless the building in which such use is established shall be equipped with sprinkler systems, automatic fire detection and suppression systems and Class 1 electrical fixtures as required by the then current City codes for new construction.
- H. Above Ground Tanks. No above ground tanks designed or used for the storage of flammable or combustible liquids shall be located less than 600 feet from the lot line of any lot on which a fire station is located.

#### **7-109: BULK, SPACE AND SETBACK REQUIREMENTS**

The building height, lot area, and setback requirements applicable in the Industrial District are subject to the table in Appendix B.

## **ARTICLE VIII. SPECIAL DISTRICTS**

### **PART I - GATEWAY REDEVELOPMENT DISTRICT**

#### **8-101: PURPOSE**

The Gateway Redevelopment District is intended to encourage transit oriented, pedestrian scaled, mixed use development. The Gateway Redevelopment District is intended to apply to protect and enhance the City's attractiveness to visitors and support and stimulate local business activity and promote careful and considered redevelopment.

#### **8-102: PERMITTED USES AND SPECIAL PERMIT USES**

In interpreting the permitted and special use designations, reference should be made to the North American Industry Classification System, as amended by the City (see Appendix A) and Section 11-501 of this Code.

#### **8-103: ACCESSORY USES**

Accessory uses and structures are permitted in the GRD subject to the provisions of Section 9-101 of this Code.

#### **8-104: TEMPORARY USES**

Temporary uses are permitted in the GRD subject to the provisions of Section 9-103 of this Code.

#### **8-105: PARKING REQUIREMENTS**

The parking and loading requirements applicable in the Gateway Redevelopment District are set forth in Section 9-104 and 9-105 of this Code.

#### **8-106: SIGN REGULATIONS**

Sign regulations applicable in the GRD are set forth in Section 9-106 of this Code.

#### **8-107: BUFFERS AND LANDSCAPING**

Requirements relating to buffering and landscaping of certain uses and structures in the Gateway Redevelopment District are set forth in Section 9-107 of this Code.

#### **8-108: SPECIAL BULK, SPACE AND SETBACK REQUIREMENTS**

The building height, lot, and setback requirements applicable in the Gateway Redevelopment District are subject to the table in Appendix B.

## **PART II - OPEN SPACE DISTRICT**

### **8-201: PURPOSE**

The Open Space District is intended to recognize the existence of major open space and recreational areas in the City. The Open Space District is intended to apply to all public open space of notable quality and to major private open spaces such as golf courses and cemeteries. Any use of such spaces inconsistent with their existing, established character will require rezoning.

### **8-202: PERMITTED USES, CONDITIONAL USES, AND SPECIAL PERMIT USES**

In interpreting the permitted and special use designations, reference should be made to the North American Industry Classification System, as amended by the City (see Appendix A) and Section 11-501 of this Code.

### **8-203: ACCESSORY USES AND STRUCTURES**

Accessory uses and structures, including outdoor storage, are permitted in the Open Space District subject to the provisions of Section 9-101 of this Code.

### **8-204: TEMPORARY USES**

Temporary uses are permitted in the Open Space District subject to the provisions of Section 9-103 of this Code.

### **8-205: PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements applicable in the Open Space District are set forth in Sections 9-104 and 9-105 of this Code.

### **8-206: SIGN REGULATIONS**

Sign regulations applicable in the Open Space District are set forth in Sec. 9-106 of this Code.

### **8-207: BUFFERS AND LANDSCAPING**

Requirements relating to buffering and landscaping of certain uses and structures, in the Open Space District are set forth in Section 9-107 of this Code.

### **8-208: BULK, SPACE AND SETBACK REQUIREMENTS**

The building height, lot, and setback requirements applicable in the Open Space District are subject to the table in Appendix B.

## **PART III - INSTITUTIONAL BUILDINGS DISTRICT**

### **8-301: PURPOSE**

The Institutional Buildings District is established to accommodate existing and future public buildings and buildings having purposes and impacts similar to public buildings. By creation of this special district, it is the intent of this Code to avoid the problems inherent in treating such buildings as permitted or special permit uses in zoning districts characterized by uses and structures bearing no similarity to public and institutional uses and buildings.

### **8-302: PERMITTED USES, CONDITIONAL USES, AND SPECIAL PERMIT USES**

In interpreting the permitted and special use designations, reference should be made to the North American Industry Classification System, as amended by the City (see Appendix A) and Section 11-501 of this Code.

### **8-303: ACCESSORY USES AND STRUCTURES**

Accessory uses and structures are permitted in the Institutional Buildings District subject to the provisions of Section 9-101 of this Code.

### **8-304: TEMPORARY USES**

Temporary uses are permitted in the Institutional Buildings District subject to the provisions of Section 9-103 of this Code.

### **8-305: PARKING AND LOADING REQUIREMENTS**

The parking and loading requirements applicable in the Institutional Buildings District are set forth in Sections 9-104 and 9-105 of this Code.

### **8-306: SIGN REGULATIONS**

Sign regulations applicable in the Institutional Buildings District are set forth in Section 9-106 of this Code.

### **8-307: 8-408 BUFFERS AND LANDSCAPING**

Requirements relating to buffering and landscaping of certain uses and structures in the Institutional Buildings District are set forth in Section 9-107 of this Code.

### **8-308: BULK, SPACE AND SETBACK REQUIREMENTS**

The building height, lot, and setback requirements applicable in the Institutional Buildings District are subject to the table in Appendix B.

**ARTICLE IX. DISTRICT REGULATIONS OF GENERAL APPLICABILITY**

**PART I-A ACCESSORY AND TEMPORARY STRUCTURES AND USES**

**9-101: ACCESSORY STRUCTURES AND USES**

- A. Authorization. Subject to the limitations of this Section 9-101, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district.
- B. Special Bulk, Setback and Space Regulations.
1. Except as otherwise provided in this Subsections D and E, all accessory structures and uses shall comply with, and be included in calculating compliance with:
    - (a) All lot coverage requirements applicable in the district in which they are located; and
    - (b) In no circumstance shall an accessory structure be taller than the principal structure;
    - (c) Accessory buildings and structures may be built in required setbacks but shall be located not less than three (3) feet from a lot line of an adjoining lot; and
    - (d) In no circumstance shall any accessory structure be located in a drainage easement or public utility easement without permission from the utility company
1. Special Height Limitation.
- (a) General. Unless specified elsewhere in this section, no part of an accessory structure shall exceed fifteen (15) feet in height measured from grade when located in any setback required for any principal structure.
  - (b) Flagpoles. Notwithstanding the otherwise applicable height limitations in the district, flagpoles may extend to a height of ten (10) feet above the highest point of the roof of the principal structure.
  - (c) Antennas. Notwithstanding the otherwise applicable height limitations in the district, the height of any antenna with a surface area in excess of ten (10) square feet shall be governed by Paragraph 9-101 E of this Section.
- C. Use Limitations.
1. Every accessory structure or use shall comply with the use limitations applicable in the zoning district in which it is located.

2. No accessory structure or use shall be construed, established or maintained on any lot prior to the substantial completion of construction of the principal structure to which it is accessory.
3. Except as permitted in this zoning code for a specific permitted use, no accessory building, structure or land shall be used for the keeping, propagation or culture of pigeons, poultry, rabbits, bees or livestock whether or not for profit.

D. Additional Regulations

1. Any person desiring to construct and install an accessory structure proposed to cover at least twenty (20) percent of the required rear setback shall be required to submit a site drainage plan after an onsite inspection has been completed by the City and obtain approval from the Community Development Director and City Engineer.

E. Special Regulations Applicable to Particular Accessory Structures and Uses.

1. Accessory dwelling units

- (a) Location. An accessory dwelling unit located in a principal structure may be located anywhere within a principal structure. An accessory dwelling unit located in an accessory structure or stand alone is allowed in the side yard, corner side yard, or rear yard only. However, it shall not be located less than six (6) feet from any property line in any rear setback or side setback.
- (b) Number. The number of accessory dwelling units on a lot shall be no greater than one unit per lot.
- (c) Design. An accessory dwelling unit shall be designed to be clearly secondary to the principal dwelling unit on the site. For accessory dwelling units located in an accessory structure, the exterior materials of the dwelling unit must be compatible with the primary dwelling unit, including siding and trim materials, window design, roof shape, roof pitch, and roof material.
- (d) Occupancy. On lots with accessory dwelling units, the property owner must maintain his or her permanent residence in either the principal structure or the accessory dwelling unit.
- (e) Height. The height cannot exceed the height of the principal structure.

2. Patios

- (a) Patios must be constructed of concrete, asphalt, brick pavers, or any other impervious materials;
- (b) Patios may be constructed in all required setbacks

3. Gazebo. Only one gazebo is allowed on the property
4. Storage. Except as otherwise expressly permitted by this Code, outdoor storage shall not be allowed as an accessory use; where so permitted. Accessory structure storage structures shall comply with the structural guidelines of the City Building Code.
  - (a) Detached Garages. Detached garages are required to be connected the street by a driveway Driveways are subject to the requirements of 9-104 B3. Detached garages shall comply with the following floor area square footage limitations. Any second detached garage being constructed on a lot will require the approval of the Planning and Zoning Commission:
    - (i) Not more than 528 square feet on a lot less than or equal to 7,500 square feet;
    - (ii) Not more than 660 square feet on a lot between 7,501 – 9,999 square feet;
    - (iii) Not more than 800 square feet on a lot between 10,000 – 21,779 square feet;
    - (iv) Not more than 1,000 square feet on a lot greater than 21,780 square feet.
    - (v) No more than one (1) garage attached or detached on a lot less than 14,999 square feet.
    - (vi) No more than two (2) garages on a lot, one (1) must be attached and one (1) must be detached on a lot between 15,000 square feet and 21,779 sf.
    - (vii) No more than two (2) garages on a lot, either attached or detached on a lot greater than 21,780 sf.
    - (viii) Not to exceed (15) feet in height from the ground to the peak of the roof.
  - (b) Sheds. One shed per zoning lot maximum, and sheds shall comply with the following floor area square footage and height limitations:
    - (i) Not more than 120 square feet on a lot less than 7,500 square feet or less;
    - (ii) Not more than 168 square feet on a lot between 7,501- 9,999 square feet;
    - (iii) Not more than 192 square feet on a lot between 10,000 – 21,779 square feet;
    - (iv) Not more than one (1) percent of the total lot size on a lot greater than 21,780 square feet; and
    - (v) Not to exceed (14) feet in height from the ground to the peak of the roof.
    - (vi) May be built not less than two (2) foot from a lot line of an adjoining lot.

- (c) Commercial Outdoor Storage Containers. There shall be no more than two (2) outdoor storage containers per commercial zoning lot maximum, and outdoor storage containers shall comply with the following requirements:
- ~~(i) The containers must be an accessory to a principle building or use.~~
  - (ii) The containers must be placed on a paved surface and attached permanently to the ground.
  - (iii) The container shall be no more than eight and a half (8.5) feet in height from the ground to the highest point of the container.
  - (iv) The container shall be no more than twenty (20) feet in length.
  - (v) The container must be painted comparable to the building materials or neutral in cases of vibrant colors to reduce the visibility of the storage container from adjacent properties and public or private streets.
  - (vi) The container shall not store hazardous substances or materials that emit noxious odors subject to approval from the Fire Department.
  - (vii) Containers shall be maintained in a good state of repair, free from rust, peeling paint, and other forms of visible deterioration.
  - (viii) Existing containers must come into conformance with regulations within sixty days following passage of ordinance regulating placement, appearance, and screening requirements.
  - (ix) The container is further subject to the screening requirements of Section 9-107 J

5. Residential Recreational Facilities.

- (a) Use. Residential recreational facilities shall be limited to use by the occupants of the principal residential use and their guests.
- (b) Landscaping and Screening. See Subsection 9-107 of this Article for landscaping and screening requirements applicable to such facilities.
- (c) Pools. No pool shall be located:
  - (i) In any front yard;
  - (ii) Less than six (6) feet from any property line if located in any required rear setback or required interior side setback; and
  - (iii) Less than ten (10) feet from any structure, garage, shed or principal house.
- (d) Decks. No deck, or any equipment appurtenant thereto, shall be located:
  - (i) Less than three (3) feet from any side property line for all decks; and
  - (ii) Less than fifteen (15) feet from any rear property line for all decks.
- (e) Fire Pit: No fire pit, or any equipment appurtenant thereto, shall be

located:

- (i) Below ground fire pits and free-standing fireplaces must be located a minimum of 25 feet away from any structure/combustible material or
- (ii) Portable fire pits must be located a minimum of 15 feet from any structure /combustible material.

Refer to Section International Fire Code Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplace.

- 6. Accessory Parking Lots in Neighborhood Residential District. Except when approved as part of a special use permit, parking lots shall not be permitted as an accessory use in any neighborhood residential district.
- 7. Off Street Storage of Recreational Vehicles, Boats, and Trailers. The following provisions of this section shall govern the off-street storage of recreational vehicles, boats and trailers within all zoning districts. This provision shall not apply to any property specifically licensed and zoned for sales or storage of such vehicles.
  - (a) Classification of Vehicles. Recreational vehicles, boats and trailers shall be classified as follows according to size, regardless of the use to which the vehicle is put or intended or designed to serve and regardless of any other classification system made applicable to vehicles by any other governmental body:
    - (i) Class I Vehicle. A recreational vehicle, boat or cargo trailer that does not exceed 26 feet in length, including the length of any trailer.
    - (ii) Class II Vehicle. A recreational vehicle, boat or cargo trailer that is greater than 26 feet and less than 40 feet, including the length of any trailer.
    - (iii) Class III Vehicle. A recreational vehicle, boat or cargo trailer that is 40 feet or greater, including the length of any trailer.
  - (b) Location on Lot. The parking of boats, recreational vehicles, and trailers shall not encroach onto sidewalks or other areas of public right-of-way. The parking of recreational vehicles, boats and cargo trailers shall be restricted to the locations of the lot identified as follows:
    - (i) Class I Vehicle. Any location on the lot.
    - (ii) Class II Vehicle. Within an enclosed garage, anywhere within a required rear setback, or anywhere within an interior side setback of a lot.
    - (iii) Class III. Nowhere on the lot.
  - (c) Hard Surface Requirement. Boats, recreational vehicles or cargo trailers may only be stored on hard surface areas of the lot. The hard surface requirement shall only include concrete, asphalt, paver material, grasscrete or comparable materials. Parking on grass or other non-designated areas of

the lot shall be prohibited. In the rear yard, only the wheels of the boat, recreational vehicle, or cargo trailer are subject to the hard surface requirement.

- (d) Maximum Number Permitted. The maximum number of boats, recreational vehicles or cargo trailers permitted to be stored on any lot shall be limited to a total of two (2). For purposes of enforcement, multiple recreational vehicles on a single trailer shall be considered a single recreational vehicle. And, recreational vehicles stored within a garage will not be included toward the maximum of two (2) recreational vehicles per lot.
- (e) State of Operability. No boat, recreational vehicle or cargo trailer incapable of being driven or used for the purpose or use for which it was designed, other than a vehicle awaiting timely repair at a repair facility shall be stored on any lot. Timely repair shall be a time period no longer than thirty days.
- (f) General Storage Regulations. The following general regulations shall apply to the storage of boats, recreational vehicles and trailers.
  - (i) Permanent Location Prohibited. No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its mobility.
  - (ii) Residential Use Prohibited. No vehicle shall be used for living, sleeping, or housekeeping purposes.
  - (iii) Utility Hookups. No vehicle shall be connected to any public utility except for required servicing.
  - (iv) Unsafe conditions. No vehicle shall be parked or stored so as to create a dangerous or unsafe condition. The ground under or surrounding the location wherein a vehicle is stored shall be free of noxious weeds, debris, and combustible material.
  - (v) Inoperable Vehicles. No vehicle incapable of being driven or used for the purpose or use for which it was designed, other than a vehicle awaiting timely repair shall be stored in any parking lot or parking area. Timely repair shall be a time period of no longer than thirty days.
  - (vi) Licensing and Registration. All boats, recreational vehicles and trailers shall have current license plates and any required State or City registration displayed.
  - (vii) Storage Restricted to Owner of Lot. The allowable storage of any boat, recreational vehicle or trailer shall be limited to items legally titled to the owner or tenant of the lot.
  - (viii) On Street Parking Restriction. No person shall park a boat, recreational vehicle or trailer on any City owned street for more than eight hours at one time and not between the hours of 12:00 a.m. and 8:00 a.m.
  - (ix) Trip Preparation. All boats, recreational vehicles, and trailers may be parked in the street for a period no longer than 72 consecutive hours prior to a planned trip such parking is necessary for

preparation of a trip or in returning from a trip. The owner of the boat, recreational vehicle, or trailer will be responsible for notifying Ordinance Enforcement that the vehicle will be located on the street no longer than 72 consecutive hours prior to the trip and no longer than 72 consecutive hours in returning from the trip.

- (x) Gravel Driveway. No new gravel driveways or gravel storage surfaces maybe constructed for the purposes of storing a boat, recreational vehicle or trailer. No existing gravel driveway shall be enlarged, altered, or otherwise changed without obtaining a permit and complying with the regulations set forth in the Chapter 90.040 Driveway Construction and Curb Cuts.
  - (xi) Commercial, Manufacturing, and Multi-Family Lots. The storage of boats, recreational vehicles, or trailers is prohibited on commercial, manufacturing, and multi-family lots unless otherwise permitted in the Zoning Code.
8. Stables. Private stables shall not be allowed as an accessory use except in compliance with the following restrictions:
- (a) Lot Area. A minimum lot area of two (2) acres shall be provided.
  - (b) Fenced Pasture Area. A minimum fenced pasture area of one (1) acre shall be provided for each horse. The fence shall be sufficient to contain the pastured horses.
  - (c) Location. The stable shall not be located within 100 feet of any property line.
  - (d) Sanitation. All feed shall be stored in rodent-proof containers. Manure in excess of ten (10) cubic yards shall be removed and properly disposed of. No manure shall be stored within 100 feet of any property line. All nuisance-causing conditions shall be immediately abated.
9. Antenna With Surface Areas of Ten (10) Square Feet or Less. Antenna and antenna support structures having a combined surface area not greater than ten (10) square feet, and no single dimension exceeding twelve (12) feet, shall be permitted as an accessory use.
10. Antenna, other than Amateur Radio Facilities, With Surface Areas Exceeding Ten (10) Square Feet. Except for amateur radio facilities permitted pursuant to Paragraph 9-101 D8 of this Section, antenna and antenna support structures having a combined surface area greater than ten (10) square feet, or having any single dimension exceeding twelve (12) feet, shall be permitted as an accessory use only in compliance with the following regulations:
- (a) Number Limited in Residential Districts. No more than one (1) such antenna and antenna support structure may be located on any zoning lot in any residential district.

- (b) Height Limited. Unless attached to a building pursuant to Subparagraph (c) below, no such antenna or antenna support structure shall exceed 65 feet in height in the Industrial District or twelve (12) feet in heights in any other district; provided, however, that such antenna or antenna support structure may alone or in combination exceed these height limits only if so authorized by special permit where such a special permit is allowed by applicable zoning district regulations.
- (c) Attachment to Buildings Limited. No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
  - (i) Size. The antenna and antenna support structure shall not exceed fifteen (15) square feet in area or twelve (12) feet in any dimension.
  - (ii) Height. The antenna and antenna support structure shall not extend more than three (3) feet above the highest point of the building on which it is mounted or the maximum permissible building height, whichever is less.
  - (iii) Mounting. The antenna and antenna support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and antenna support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and antenna support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
  - (iv) Color. The antenna and antenna support structure shall be of a color that blends with the roof or building side on which it is mounted.
  - (v) Grounding. The antenna and antenna support structure shall be bonded to a grounding rod.
  - (vi) Other Standards. The antenna and antenna support structure shall satisfy such other design and construction standards as the Community Development Director reasonably determines are necessary to ensure safe construction and maintenance of the antenna and antenna support structure.
- (d) Setback from Street. No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.
- (e) Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna or support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.

- 11. Amateur Radio Facilities with Surface Area Exceeding Ten (10) Square Feet. Any antenna and antenna support structure having a combined surface area greater than ten (10) square feet or having any single dimension exceeding twelve (12) feet that

is capable of transmitting as well as receiving signals and is licensed by the Federal Communications Commission as an amateur radio facility must satisfy each of the following conditions

- (a) Number Limited. No more than one (1) such antenna support structure with a surface area greater than ten (10) square feet or any single dimension exceeding twelve (12) feet may be located on any zoning lot.
  - (b) Height Limited. No such antenna or antenna support structure shall, if ground-mounted, exceed 70 feet in height, or if attached to a building pursuant to Subparagraphs (c) below, the height therein specified.
  - (c) Attachment to Buildings Limited. No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
    - (i) Height. The antenna and antenna support structure shall not extend more than 25 feet above the highest point of the building on which it is mounted.
    - (ii) Mounting. The antenna and antenna support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and antenna support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and antenna support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
    - (iii) Grounding. The antenna and antenna support structure shall be bonded to a grounding rod.
    - (iv) Other Standards. The antenna support structure shall satisfy such other design and construction standards as the Community Development Director reasonably imposes.
  - (d) Setback from Street. No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.
  - (e) Setbacks from Adjacent Buildings. No such antenna or its support structure shall be located in any required side setback or nearer than one-half the height of the antenna and support structure to any habitable building on any adjacent property.
12. Uses Accessory to Hotels. Notwithstanding anything in this Code to the contrary, the following uses shall be deemed to be accessory to hotels; provided that such uses are located entirely within the hotel building and with no principal exterior access:
- (a) Gift shops

- (b) Barber shops
- (c) Beauty shops

**9-102: HOME OCCUPATIONS**

A. Authorization. Subject to the limitations of this section 9-102, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted to any dwelling unit.

B. Use Limitations.

1. Employee Limitations.

- (a) The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted. In addition, where a day care nursery is operated as a home occupation, the principal provider of day care shall be domiciled in the dwelling where such day care nursery is operated.
- (b) No person who is not domiciled in the dwelling unit where a home occupation is conducted shall be employed in connection with, or otherwise participate in the operation of, such occupation. This limitation shall not apply to employees who do not work at the dwelling unit devoted to such occupation.

2. Structural Limitations.

- (a) No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.
- (b) No separate entrance shall be provided in connection with the conduct of any home occupation in a principal structure.

3. Occupational Limitations.

- (a) No activity shall be conducted on a residential lot unless it is conducted wholly within a principal dwelling unit or permitted accessory structure.
- (b) No more than a total of 480 square feet of floor area (exclusive of garage floor area devoted to permissible parking of a vehicle used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be devoted to the conduct of a home occupation.

- (c) No stock in trade shall be displayed or sold on the premises of any home occupation except as part of a garage sale, and subject to the garage sale regulations in Paragraph 9-103 D1 of this Code.
  - (d) No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
  - (e) No outdoor storage shall be allowed in connection with any home occupation.
  - (f) No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
  - (g) Vehicles used in connection with any home occupation shall be subject to the requirements of Paragraph 9-101 D4 of this Article.
4. Signage and Visibility.
- (a) No sign other than as permitted pursuant to Paragraph 9-106 F3 shall advertise the presence or conduct of the home occupation.
  - (b) Except for the identification sign permitted in Subparagraph C4(a) above, no home occupation shall be in any manner visible or apparent from any public or private street.
5. Traffic Limitations. No home occupation shall generate more traffic than is typical of residences in the area.
6. Nuisance-causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause any nuisance or be noxious, offensive or hazardous.

### **9-103: TEMPORARY ~~USES STRUCTURES~~**

~~A. Authorization. Subject to the limitations of this Section 9-103, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified.~~

~~B. Certificate of Zoning Compliance Required; Special Standards for Issuance and Revocation.~~

- ~~1. Certificate Required. Except as provided in Paragraphs D1 and D13 below, no temporary use shall be established or maintained unless a Certificate of Zoning Compliance evidencing the compliance of such use with the provisions of this Code shall have first been issued in accordance with Section 11-401 of this Code; provided, however, that permitted temporary uses of publicly owned or leased~~

buildings and property, other than those included in Paragraph D13 below, shall be exempt from this requirement.

- ~~2. Bases for Certificate Denial. Such a Certificate may be denied if the Community Development Director determines that the applicant has failed to comply with the standards, conditions or terms of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of all City Ordinances regulating the development, use and maintenance of the property. Such a certificate shall be denied if the Community Development Director determines that the public health, safety or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.~~
- ~~3. Conditions on Certificate. Such a Certificate may be conditioned upon such special requirements as the Community Development Director may determine are necessary to achieve the purposes of this Code and to protect the public health, safety, and welfare.~~
- ~~4. Revocation of Certificate. Such a Certificate shall be revoked if any of the standards and conditions imposed pursuant to this Section 9-103, or such certificate, are violated.~~

~~C. Permitted Temporary Uses. Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified:~~

- ~~1. Garage Sales. In any residential district, but only in compliance with the following terms and conditions:~~
  - ~~(a) Garage Sale Defined. The term “garage sale” includes all general sales of goods open to the public, conducted from a residential premises including, but not limited to, all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “flea market,” “rummage,” “estate,” or “moving” sale.~~
  - ~~(b) Permit Required. It shall be unlawful for any person to conduct or allow a garage sale involving the sale of multiple new items of the same description without applying for and obtaining a permit therefore. Such permit shall be without charge and in a form acceptable to the Community Development Director.~~
  - ~~(c) Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be required for garage sales authorized pursuant to this Paragraph 1.~~
  - ~~(d) Frequency. Garage sales shall be limited to a period not to exceed three consecutive days. No more than four garage sales shall be conducted from~~

~~the same dwelling unit in any calendar years, and no more than one such sale shall occur in any 30-day period.~~

- ~~(e) Hours of Operation. No garage sales shall operate before 7:30 a.m. or after sunset on any day.~~
- ~~(f) Sign Limitations. Notwithstanding the provisions of Section 9-106 of this Code, only off-site directional signs not to exceed four square feet in area shall be permitted for the purpose of advertising garage sales. Such signs shall not be erected in excess of 24 hours prior to the commencement of the garage sale and shall be removed within two (2) hours after the termination of the sale.~~
- ~~(g) Location of Sale. No portion of any garage sale shall take place on any public or private landscaped area, on any public sidewalk, or on any public right-of-way.~~

~~2. Indoor and Outdoor Art, Craft and Plant Shows. In any commercial, open space or institutional building district; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Any such sale shall be limited to a period not to exceed three consecutive days. In addition to the foregoing indoor and outdoor art, craft and plant shows shall be permitted in a residential district as part of a garage sale and subject to the garage sale regulations in Paragraph 9-103 D1 of this Code.~~

~~3. Christmas Tree Sales. In any commercial or manufacturing district and, when conducted by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization, in any open space or institutional buildings district; provided, however, that any such use in any open space or institutional buildings district shall be conducted solely by the officers, directors, members, and employees of any such group or organization, and any proceeds of such Christmas Tree sales shall accrue solely to such group or organization; provided, further, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed 45 days. Display of Christmas trees need not comply with the setback requirements of this Code, except that no tree shall be displayed within the Sight Triangle defined in Subsection 12-206 S of this Code.~~

~~4. Contractors' Office and Equipment Sheds. In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.~~

- ~~5. Real Estate Offices, Including Model Units. In any district when such use is accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.~~
- ~~6. Carnivals and Circuses. In any non-residential district, but only when sponsored by a not-for-profit religious, philanthropic or civic group or organization; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days. Such use need not comply with the setback requirements of this Code except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the Sight Triangle defined in Subsection 12-206 S of this Code. Such use need not comply with the maximum height requirements of this Code. The concessionaire responsible for the operation of any such carnival or circus shall:~~
- ~~(a) Submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no-dead-end aisles; and~~
  - ~~(b) Provide for a thorough clean-up of the site upon termination of the event.~~
- ~~7. Sales of Overstock, Seconds and Similar Goods in Districts Where Not a Permitted Use. In the II District when accessory to any use permitted or specially permitted in such district; but only in compliance with the following conditions:~~
- ~~(a) Existing Inventory Only. No products shall be sold except such products as are manufactured, warehoused or distributed in the normal course of business of the principal use operated on the zoning lot in question. No products shall be brought in from other sources for purposes of temporary sale.~~
  - ~~(b) No Outdoor Sales. Any area in which such a temporary retail use takes place, including the sale and display of products, shall be fully enclosed.~~
  - ~~(c) Number and Duration of Sales Limited. Not more than four (4) such temporary uses shall be conducted on the same premises in any calendar year, or more than one (1) such sale in any calendar quarter. In each calendar quarter, one (1) such sale may be for a period of not more than three (3) successive days.~~
- ~~8. Residential Portable Outdoor Storage Units~~
- ~~(i) There shall be no more than one (1) portable storage unit per property.~~

- (ii) The unit shall be no more than sixteen (16) feet in length, eight (8) feet in width and eight (8) feet in height.
- (iii) The unit shall be placed on a driveway or other paved surface.
- (iv) The unit shall not be placed on a private or public street, or where such unit obstructs a public sidewalk or limits or blocks traffic visibility.
- (v) The unit shall not store hazardous substances or materials that emit noxious odors.
- (vi) Units shall be maintained in a good state of repair, free from rust, peeling paint and other forms of visible deterioration.
- (vii) The unit shall remain on the property for no more than thirty (30) days per calendar year.

~~9. Tents. In any district, in connection with any permitted, accessory, temporary or special permit use no tent shall be allowed to remain for a period of more than four (4) days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten (10) days. Unless waived in writing by the Community Development Director, every tent shall comply with bulk, setback and space requirements applicable to accessory uses pursuant to Subsection 9-101 E of the Article.~~

~~10. Civic Uses of Public Property. In the IB District or OS District, any civic use of any public building or property when authorized by the governmental agency owning or controlling such property; provided that no such use shall impose an undue adverse effect on neighboring streets or property.~~

~~11. Unique Events. In any district for a period not to exceed seven (7) consecutive days; subject to such conditions and security requirements as the Community Development Director determines are necessary. Unique events shall include motion picture, video and television filming.~~

~~12. Electrical Substations. In any district; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of need and impact on surrounding properties.~~

~~13. Temporary Location of Local Government Uses. The activities of units of local government and public school district may be temporarily located in any non-residential district, but only during periods of reconstruction, renovation or expansion of existing facilities for those activities at another location. No such temporary relocation shall be allowed without the prior approval by the corporate authorities by resolution duly adopted. The corporate authorities may, but shall not be required to, hold a public hearing prior to adoption of such approval resolution. Such approval by the corporate authorities shall be in lieu of any Certificate of Zoning Compliance and shall be subject to the special standards contained in Subsection C of this Section and the use limitations contained in Subsection F of this Section, all as determined and imposed by the corporate authorities, in its sole discretion.~~

~~D. Special Use Permit Temporary Uses. Subject to the issuance of a special use permit as provided in Section 11-502 of this code. The special use permit temporary use requires a public hearing set, noticed, and conducted by City Council. The City Council may, in its sole and absolute discretion, refer such applications to the Planning and Zoning Commission for a recommendation prior to action.~~

~~1. Exhibition Shows and Automobile Shows. In any commercial, open space or institutional building district; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Additionally, the Community Development Director has the authority to impose any additional conditions pursuant to Section 9-103 G.~~

~~E. Bulk, Setback and Space Regulations. Except as expressly provided otherwise in Subsection D above, every temporary use shall comply with the bulk, setback, and space regulations applicable in the district in which such temporary use is located.~~

~~F. Use Limitations.~~

~~1. General Limitations. Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary use by Subsection D above. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area as a whole.~~

~~2. Hours and Days of Operation. No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Community Development Director, in the certificate required by Subsection C of this Section, on the basis of the nature of the temporary use and the character of the surrounding area.~~

~~3. Public Safety. No temporary use shall be permitted unless the Fire and Police Departments shall have first certified that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said Departments may require in connection with such certification. If required by the Community Development Director, operator of the temporary use shall employ a fire watch team and appropriate security personnel.~~

~~4. Traffic. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.~~

~~5. Conflicts With Other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.~~

~~G. Additional Conditions. Every temporary use shall, in addition, comply with, and the Community Development Director may impose, such other conditions as may reasonably be necessary to achieve the purposes of this Code or to protect the public health, safety, and welfare.~~

## PART I-B PARKING AND LOADING REQUIREMENTS

### 9-104: Off-Street Parking

- A. Authorization. No off-street parking is required. Subject to the limitations of this section 9-104 and paragraphs 9-101 d3, d4, d5 off-street parking is permitted as an accessory use in all districts. Off-street parking as a principal use is permitted only when expressly authorized by the regulations applicable to the district in question.
- B. General Requirements.
1. Driveway Requirements.
    - (a) Maximum Number of Driveways Allowed.
      - (i) Only one driveway ingress and egress point onto public or private right-of-way shall be permitted per lot in any neighborhood residential zoning district, except that if any such lot has a minimum front lot width of 90 feet or more, then a circular drive consisting of two ingress and egress points onto public or private right-of-way driveway may be allowed.
      - (ii) All other uses shall be allowed the number of driveways as approved by the Planning and Zoning Commission
    - (b) Driveway Widths.
      - (i) The maximum width for driveways in any neighborhood residential zoning district shall be 26 feet at the street where the garage is located within 30 feet of the property line. Garages located greater than 30 feet from the property line and circle drives shall be 10 feet from the property line and 16 feet at the street.
      - (ii) Where a three-car garage is located within 30 feet of the property line, the driveway shall not exceed 35 feet at the street.
      - (iii) No driveway shall encroach upon any portion of the parkway in front of the adjoining property.
      - (iv) The maximum width for driveways for all other uses shall be approved by the Planning and Zoning Commission.
- C. Design and Maintenance. Every parking lot and garage shall be designed, constructed and maintained in accordance with the standards and requirements herein set forth:
1. Location on Lot. Except as provided in the applicable district regulations of this Code, off-street parking spaces may be provided on surface lots, underground, under building, in single level parking garages, or in multiple level parking garages. Parking lots and may be located in any required setback. See also Paragraph 9-101 D for additional regulations concerning the storage of vehicles in residential districts.

2. Screening and Landscaping. All parking lots and garages shall comply with the screening and landscaping requirements set forth in Section 9-107 of this Article.
3. Design.
  - (a) Access to Street. All parking lots, areas and garages shall be so located and designed as to provide access to adjacent streets with the least interference with through traffic movements. Notwithstanding any other provision of this Code, driveways serving single family dwellings and driveways providing direct access from a parking lot to a street, may traverse any required setback; provided, however, that the surface area of any such driveway giving access from a parking lot or area through any such setback shall not exceed thirty percent (30%) of the area of such setback. No curb cut across public property shall exceed thirty-five (35) feet in width without the written approval of the Community Development Director. No such access shall be provided through a zoning district other than the district in which the parking lot is located. No such access shall be provided through a zoning lot other than the zoning lot on which the parking is located except across a permanent, recorded access easement in form and substance satisfactory to the Community Development Director.
  - (b) Turnaround Area. Every parking lot or garage, other than a parking lot or garage accessory to a single family dwelling, shall be provided with a turnaround area or other means to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
  - (c) Lighting. Fixed lighting shall be provided for all parking lots and garages accommodating more than ten (10) vehicles. Such lighting shall be so arranged as to prevent direct glare of beams onto any public or private property or streets. All lighting shall be reduced to security levels at all times of non-use.
  - (d) Tree Planting Areas; Landscaped Islands. Trees located within planting islands in paved areas shall have a minimum landscaped area of 25 square feet of surface area and a depth sufficient to allow the bottom of the tree ball to be planted with a washed gravel layer at the bottom of the tree planting area to allow proper watering and drainage. If the soil is impervious, then a drainage pipe shall connect the tree planting area to a drainage structure. All islands shall be bordered by a six (6) inch high concrete barrier curb and shall be located and constructed in accordance with accepted engineering standards unless sustainable engineering practices are used to in place of the curb.
  - (e) Car Stops. Every parking lot and garage, except parking lots and garages accessory to a single family dwelling, shall be bordered by a six (6) inch high concrete curb and shall be provided with curbs, car wheel stops, guard rails, barrier fences or other suitable devices designed and located to protect

required screening devices, landscaping, structures and other vehicles from damage by vehicles using such lot or garage. This provision shall not be construed to require car wheel stops for every parking space, but only in those cases where the Community Development Director determines that such stops are necessary or desirable to achieve the purposes of this Subparagraph.

- (f) Back-up Area. Each parking space, except spaces accessory to a single family dwelling, shall be provided with a sufficient back-up area to permit egress in one (1) maneuver, consisting of one (1) backward and one (1) forward movement.
- (g) Maintenance. All tree planting areas, landscaped islands, parking lots, garages and areas shall be property maintained at all times so as to be free of weeds, pot holes, broken curbs and other damaged or neglected features.

D. Use; Other Temporary Storage.

- 1. General. No off-street parking lot or area shall be used for any purpose other than the temporary storage of motor vehicles related to the premises, except that merchandise, equipment, or materials related to the use being made of the premises may be stored for a period of time not exceeding three (3) days in any seven (7) day period.

H. OFFSTREET PARKING

1. Minimum Bike Parking Requirements.

For any facility use the requirement for bicycle parking spaces shall be equal to 1 space for every 5,000 square feet of net floor area. In all situations there shall be a minimum of two bicycle parking spaces.

- 2. Parking Waivers. The number of off-street bicycle parking spaces required may be reduced by an administratively granted Parking Waiver approved by the Community Development Director or her/his designee under the following conditions:

- (a) The waiver is not for residential parking requirements. Residential parking requirements cannot be waived;
- (b) The applicant proves that adequate parking exists for such use, based on the unique number, type and use characteristics (i.e. peak hour or day) of those businesses or residences that currently use such a lot;
- (c) Bicycle parking with adequate capacity to accommodate all or a portion of the number of required spaces exists within 100 feet;
- (d) The owner of the building makes a payment equal to a onetime fee of \$250 per bicycle parking space that cannot be provided on the subject lot. The fees collected for the payment in lieu of parking will be used only for

the acquisition of land or construction of municipally owned or leased off street parking facilities for bicycles; landscape or streetscape; bike trails, lanes, or paths; or maintenance or illumination of off-street parking facilities. Fees shall be required for any application for parking waiver, regardless if a waiver has been previously granted.

## **9-109: OFF-STREET LOADING**

- A. Authorization. Subject to the limitations of this Section 9-105, off-street loading is permitted as an accessory use in all districts other than Neighborhood residential districts. Nothing herein shall be construed to limit the right of any person to provide off-street loading in excess of the requirements herein established, but all such loading shall comply with the standards of this Section.
1. Location of Required Loading Spaces. Loading spaces shall be located on the same zoning lot as the use they serve.
- B. Design and Maintenance. Every loading space shall be designed, constructed and maintained in accordance with the standards and requirements herein set forth:
1. Location on Lot. All loading spaces shall comply with the setback requirements applicable to principal uses in the district which they are located except that open loading spaces may be located in a required rear setback. No loading space shall be located within fifty (50) feet of the nearest point of intersection of any two (2) public or private streets. No loading space shall be located closer to any public right-of-way than the façade of the building facing such right-of-way. No loading space shall open onto any building façade facing a public right-of-way. All loading spaces shall be located and arranged to provide logical and convenient access thereto from the use they serve.
  2. Screening. All loading spaces shall comply with the screening requirements set forth in Section 9-107 of this Article.
  3. Design.
    - (a) Access of Street. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with through traffic movements. No curb cut across public property shall exceed forty (40) feet in width without the written approval of the Community Development Director.
    - (b) Maneuvering Space. Every loading space shall be provided with sufficient maneuvering space on the zoning lot where it is located to allow vehicles to access and exit the space without having to make any backing movement on or into any public or private street.
    - (c) Surface, Drainage and Markings. Every loading space shall be faced with an asphalt or Portland cement binder pavement providing in all-weather,

durable and dustless surface, and all such construction shall meet the minimum standards for structural materials established by the City.

- (d) Lighting. Fixed lighting shall be so arranged as to prevent direct glare of beams onto any public or private property or streets. All lighting shall be reduced to security levels at all times on non-use.

## PART I-C SIGN REGULATIONS

### 9-106 SIGN REGULATIONS

#### A. TITLE; FINDINGS OF FACT; PURPOSE AND INTENT.

1. *Short title.* The provisions of this Section shall hereafter be known and cited as the “Sign Regulations of the City of Oak Forest” or “Sign Regulations”, but are referred to internally as “Section.”
2. *Findings of fact.* The provisions of this Section are derived from a combination of statutory research into similar types of legislation enacted by corporate authorities throughout Illinois and other states and the need to enforce policies, plans and programs approved and enforced by the corporate authorities, as related to the following findings:
  - (a) To remain a healthy and vibrant community, the city must exercise its police power in a manner which promotes economic development, while preserving and protecting the aesthetic aspects of the community;
  - (b) The city’s land development codes, of which this Section is a part, are intended to maintain and improve the quality of life for all citizens of the city, through the implementation of an Official Comprehensive Plan;
  - (c) The city’s Sign Regulations must be updated and kept current so as to reflect the latest judicial and appellate decisions of the appropriate legal jurisdictions, as related to signs and constitutional protection;
  - (d) The city’s Sign Regulations must reflect the legal principle of content neutrality in its interpretation and enforcement of the regulations; specifically assuring the right of commercial and non-commercial messages to utilize the same means of conveyance regarding their messages;
  - (e) While recognizing the need for signs as a valid means of promoting and advertising commercial and non-commercial products, programs and points of view, the physical means used to convey such messages may not always prove to be feasible in light of the need for public safety, and as such, deserve to be regulated in a fair and expeditious manner through the provisions of this Section;
  - (f) Excessive signs, particularly when clustered in close proximity, can be classified as visual pollution and can serve as a distraction to pedestrians, motorists, and others and require stringent regulation and oversight as provided for by these provisions;
  - (g) The existence of nonconforming signs is detrimental to public welfare and the visual aesthetics of the city; and

- (h) The unregulated placement of billboards can be detrimental to the visual aesthetics of the city but must be balanced by legal requirements and considerations of equality of opportunity in terms of location and administrative review.
3. *Purpose and intent.* Given the findings documented in Paragraph A2 above, the purpose and intent of this Section are to establish reasonable regulations for the design, construction, installation, and maintenance of all signs in the City of Oak Forest in order to:
- (a) Balance the right of individuals, institutions, and organizations to identify and promote their commercial businesses and convey their noncommercial messages, reinforcing the right of free speech and protecting against active or passive censorship, while fulfilling the city's obligation to protect the public against the unrestricted proliferation of signs;
  - (b) Protect public health, safety, and welfare;
  - (c) Reduce traffic hazards;
  - (d) Facilitate the creation of an attractive and harmonious community;
  - (e) Protect property values while preserving and promoting community aesthetics;
  - (f) Promote economic development;
  - (g) Preserve and protect the right of free speech as exercised through the use of signs containing both commercial and non-commercial content; and
  - (h) Focus the city's regulatory efforts on the secondary aspects associated with signs, insofar as the secondary effects may adversely affect aesthetics, vehicular and pedestrian safety.
4. *Application.*
- (a) It shall be unlawful to erect, use, display, enlarge, expand, alter, operate, maintain, locate, relocate, or remove any sign within the city except in conformance with the regulations of this Section.
  - (b) Any sign not expressly allowed by the regulations of this Section shall be prohibited. Unless otherwise provided by ordinance, for any new zoning district created in the city, the applicable sign regulations for the new zoning district created in the city, the applicable sign regulations for the new zoning district shall be those that apply to signs in those districts defined in Article 3, Neighborhood Residential Districts, in this Code.

## B. INTERPRETATIONS

### 1. *Interpretation*

- a. Where there is a conflict between the provisions of this Section and provisions of other ordinances, codes and/or regulations of the city, the provisions specified by this Section shall prevail.
- b. Should a conflict be identified between any specific provisions of this Section, the more restrictive provision shall prevail unless otherwise stated in that singular subsection, paragraph, or subparagraph.
- c. Where detailed in this Section, listed dimensional standards are the highest measure of maximum amounts allowed for the proposed conditions; however, such factors associated with the subject site or building, and other extenuating circumstances may reduce the allowable maximum dimensional standards in order to promote proportional signs with the associated structure and property.

## C. PERMIT APPLICATION AND REVIEW.

1. *General requirements for a sign permit.* Except as provided in Subparagraph F(1) of this Section, it shall be unlawful for any person to erect, relocate or structurally alter, within the City of Oak Forest, any sign or other advertising structure as defined in this Section, without first obtaining a building permit from the Building Commissioner.
2. *Authority.* The Building Commissioner may, in accordance with the procedures and standards set forth in this Subsection C, grant zoning approval of signs authorizing the construction and maintenance of signs subject to the regulations and standards contained in this Section.
3. *Procedure.*
  - a. *Application.* An application for a sign permit shall be filed by the owner of, or any person having a contractual interest in, the lot on which the sign is proposed to be located on a form provided by the Building Commissioner or his or her designee and shall require the applicant to provide the following information at a minimum:
    - i. The name, address and telephone number of the applicant, owner or owner's representative, and the person, firm, corporation or association erecting the sign;
    - ii. A site plan, drawn to scale, depicting the location of the building, structure and lot upon which the proposed sign is to be attached or erected;
    - iii. Photographs or drawings depicting the proposed sign and its relationship to the building to which it is to be mounted or the surrounding area;
    - iv. Drawings of the proposed sign depicting the specifications and method of construction and attachment or erection, as the case may be, to the building or ground;

- v. One accurate color sketch or rendering depicting the proposed colors proposed to be used on the sign and the existing surrounding materials;
  - vi. Written consent of the owner, or the authority to act on behalf of the owner, of the building, structure and lot on which the sign is to be erected;
  - vii. If required by the Building Commissioner or his or her designee, a copy of an electrical permit;
  - viii. If required by the Building Commissioner or his or her designee, a copy of an insurance policy or bond;
  - ix. If required by the Building Commissioner or his or her designee, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this Section and all other laws and ordinances of the city;
  - x. A survey indicating the lot lines and a drawing that shows the mounting technique and the underground details of the sign installation; and
  - xi. Any other information the Building Commissioner or his or her designee shall require to show full compliance with this Section and all other laws and ordinances of the city.
- b. *Fees.* Sign permit fees shall be in the amounts established from time to time in the Building Code.
- c. *Action by the Building Commissioner.*
- i. *For permanent signs.* Within 30 days following the proper filing of a completed application, the Building Commissioner shall either grant the sign permit or, by written notice stating the reasons therefore, grant the application with modifications or conditions, deny the application, or, where applicable, refer the application to the Planning and Zoning Commission for its review pursuant to Subsection D of this Section. The failure of the Building Commissioner to act within 30 days, or such further time to which the applicant shall agree, shall be deemed to be a decision denying the sign permit.
  - ii. *For temporary signs.* Within 5 business days following the proper filing of a completed application, the Building Commissioner shall either grant the sign permit or, by written notice stating the reasons therefore, grant the application with modifications or conditions, or deny the application.
4. *Standards for sign permits.* No sign permit shall be granted pursuant to this Section unless the applicant shall establish, at a minimum, the following conditions.
- (a) *Compliance with this Section.* The proposed sign shall comply with all applicable provisions of this Section.
  - (b) *Sign dimensions and maximums.* Where detailed in this Section, listed dimensional standards are the highest measure of maximum amounts allowed for the proposed conditions; however, such factors associated with the subject site or building, and other extenuating circumstances may reduce the allowable maximum dimensional

standards in order to promote proportional signs with the associated structure and property.

- (c) *Conditions on sign permits.* As part of a sign permit, the Building Commissioner may impose any conditions and limitations concerning the construction and maintenance of the sign as may be necessary or appropriate to ensure satisfaction of the standards set forth in this Section C of and the purposes and objectives of this Section and to minimize any adverse effects upon other property in the vicinity. These conditions shall be expressly set forth in the sign permit. Violation of any condition or limitation shall be a violation of this Section and shall constitute grounds for revocation of the sign permit and the imposition of fines as authorized by law

5. *Expiration of permits.*

a. *Permanent signs.*

- (i) Sign permits for any sign other than a temporary sign shall remain in effect until such time that the structural elements other than the sign face are changed, modified or altered so as to deviate from the terms or conditions of the sign permit.
- (ii) Any change, modification or alteration shall require the issuance of a new sign permit.

- (b) *Temporary signs.* Sign permits for temporary signs shall remain in effect for the applicable time period defined in Paragraph 9-106(F)(2) of this Section and be removed immediately upon the expiration of the sign permit or otherwise required time period.

5. *Revocation of permit.* Any sign permit issued pursuant to this Subsection C of this Section may be revoked or suspended by the Building Commissioner if the holder of the sign permit violates the terms of the sign permit or any other provision of this Section.

6. *Final inspection.*

- (a) Within 14 days following the completion of construction of the sign, the owner shall schedule with the Building Commissioner, or his or her designee, a final inspection of the sign.
- (b) If the owner fails to schedule a final inspection, or if Building Commissioner or his or her designee determines at the final inspection that the sign fails to comply with this Section, the Building Commissioner shall have the authority to revoke the sign permit and require that the sign is removed.

D. SIGN PLANS.

1. *Intent.* The intent of the regulation of a Minor or Major Sign Plan is to ensure that properties with multiple buildings, buildings with multiple occupants or tenants, and/or a building facing more than one right-of-way, to provide signs that are well designed and consistent throughout that building or property, while providing some flexibility in the design of the signs that are approved through a Minor or Major Sign Plan.
  
2. *Applicability.* Notwithstanding any other provision of this Section, an approved Minor or Major Sign Plan shall govern the installation and maintenance of all signs requiring a sign permit on the building or property, or portion thereof, for which the Minor or Major Sign Plan has been approved.
  - (a) *Minor Sign Plan.* A Minor Sign Plan shall be submitted to the Community Development Director for its review and approval in accordance with this Subsection D for:
    - (i) Any property containing more than one building for which an application has been submitted requesting approval of more than one sign or sign type on that property;
    - (ii) Any property that has frontage along two or more streets for which an application has been submitted requesting approval of more than one sign type on that property;
    - (iii) Any multiple tenant building for which an application has been submitted requesting approval of more than one sign type on that building or property; and
    - (iv) Any property on which directional signs are requested.
    - (v) Any newly constructed building that contains multiple storefronts with ground floor entrances;
    - (vi) Any existing building that contains multiple storefronts with ground floor entrances for which a building permit application has been submitted requesting approval of exterior facade improvements in accordance with Section 11-505 of this Code relating to all of the multiple storefronts with ground floor entrances; and
    - (vii) Any development, new or existing, which is considered a special use in Appendix, Table of Uses.
  - (b) *Major Sign Plan.* A Major Sign Plan shall be submitted to the Community Development Director for its review and approval in accordance with this Subsection D for any development which requires a combination of signs whose quantity, type and/or location that does not otherwise meet the requirements of this Section and is not otherwise classified as a permitted variation in Paragraph 11-403(E)(1) of this Code.
  
3. *Application contents.*
  - (a) An application for approval of a Minor or Major Sign Plan shall include details regarding the design and location of all proposed signs for all signs, including signs

where no permit is required.

(b) The Minor or Major Sign Plan shall clearly define the areas of the building or property for which approval of a Minor or Major Sign Plan is requested. At a minimum, the following details shall be provided in the application submittal for approval of a Minor or Major Sign Plan:

(i) Sign design, material(s), anchorage and support(s);

(ii) Sign location(s);

(iii) Sign color(s);

(iv) Sign dimensions; and

(v) Method of illumination.

#### 4. *Minor Sign Plan Procedures.*

(a) *Application.* An application for a Minor Sign Plan shall be filed in accordance with the requirements of Paragraph D3 of this Subsection. Except as expressly provided otherwise herein, no application for a Minor Sign Plan shall proceed for review by the Community Development Director in accordance with Subsection 11-101(F) of this Code unless he or she has determined that it is in proper form.

(b) *Simultaneous Application.* Where applicable, an application for approval of a Minor Sign Plan may be filed and reviewed in conjunction with an application for Site Plan Approval, pursuant to Subparagraph 11-504(E)(1) of this Code.

(c) *Procedure.* Upon determination that the application for a Sign Plan is in proper form, the Community Development Director shall proceed to review said application in accordance with the procedure outlined in this Paragraph 9-106(D)(4) of this Code.

i. *Action by Community Development Director.* Following receipt by the Community Development Director of a properly completed Minor Sign Plan application, the Community Development Director or his or her designee shall review said application, in terms of the standards established by Paragraph 6 of this Subsection. He or she shall then either approve the Minor Sign Plan as submitted, approve the Minor Sign Plan with conditions, or deny the Minor Sign Plan.

ii. *Decision.* Within thirty (30) days of receipt of said properly completed application, he or she shall then notify the applicant in writing of his or her decision and forward it to the Building Department. The failure of the Community Development Director to act within said thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision approving the Minor Sign Plan as submitted.

(d) *Appeals.* Within 45 days following a denial of a Minor Sign Plan by the Community Development Director, the applicant may seek approval of the Minor Sign Plan by filing an application for appeal to the Planning and Zoning Commission in

accordance with the requirements of Section 11-402 of this Code. Any such appeal shall proceed in accordance with the provisions of this Subparagraph.

- (i) *Decision.* After hearing an appeal of the Community Development Director's decision on a Minor Sign Plan, the Planning and Zoning Commission shall either:
  - (a) Approve the Minor Sign Plan and direct the Community Development Director to forward any applicable sign permits to the Building Department if, based on the application, the testimony, and other information presented at the meeting, and all other reliable and relevant evidence, documents and information, the Planning and Zoning Commission determines that the proposed sign, including illumination plans if applicable, complies and is consistent with the provisions of this Section; or
  - (b) Deny the Minor Sign Plan if the Planning and Zoning Commission determines that the Minor Sign Plan and consideration of the testimony and other evidence presented at the meeting, as well as other reliable and relevant evidence, documents and information reveal that the applicant has not satisfied the conditions of this Section.
  - (c) The Planning and Zoning Commission's decision shall be forwarded in writing to the applicant and the Building Department within 30 days of the decision.
- (ii) *Conditions.* The Planning and Zoning Commission may approve a Minor Sign Plan subject to any conditions the Planning and Zoning Commission shall deem necessary to protect the public welfare and to achieve the purposes of this Section.

5. *Major Sign Plan Procedures.*

- (a) *Application.* An application for a Major Sign Plan shall be filed in accordance with the requirements of Paragraph D3 of this Subsection. Except as expressly provided otherwise herein, no application for a Major Sign Plan shall proceed to a public meeting until the Community Development Director has first reviewed the said application in accordance with Subsection 11-101(F) of this Code and determined that it is in proper form.
- (b) *Notice.* A public meeting shall be set, noticed and conducted by the City Council in accordance with Section 11-203 of this Article.
- (c) *Decision.* The Planning and Zoning Commission shall either:
  - (i) Approve the Major Sign Plan and direct the Community Development Director to forward any applicable sign permits to the Building Department if, based on the application, the testimony, and other information presented at the meeting, and all other reliable and relevant evidence, documents and information, the Planning and Zoning Commission determines that the proposed sign, including illumination plans if applicable, complies and is consistent with the provisions of this Section; or
  - (ii) Approve the Major Sign Plan with conditions and direct the Community

Development Director to forward any applicable sign permits to the Building Department if, based on the application, the testimony, and other information presented at the meeting, and all other reliable and relevant evidence, documents and information, the Planning and Zoning Commission determines that the proposed sign, including illumination plans if applicable, complies and is consistent with the provisions of this Section; or

- (iii) Deny the Major Sign Plan if the Planning and Zoning Commission determines that the Major Sign Plan and consideration of the testimony and other evidence presented at the meeting, as well as other reliable and relevant evidence, documents and information reveal that the applicant has not satisfied the conditions of this Section. The Planning and Zoning Commission's decision shall be forwarded in writing to the applicant and the Building Department within 30 days of the decision.
- (d) Appeals. Within 45 days following a denial of a Major Sign Plan by the Planning and Zoning Commission, the applicant may seek approval of the Major Sign Plan by filing an application for appeal to the City Council in accordance with the requirements of Section 11-402 of this Code. Any such appeal shall proceed in accordance with the provisions of this Subparagraph.
- (i) Decision. After hearing an appeal of the Planning and Zoning Commission's decision on a Major Sign Plan, the City Council shall either:
    - (a) Approve the Major Sign Plan and direct the Community Development Director to forward any applicable sign permits to the Building Department if, based on the application, the testimony, and other information presented at the meeting, and all other reliable and relevant evidence, documents and information, the Planning and Zoning Commission determines that the proposed sign, including illumination plans if applicable, complies and is consistent with the provisions of this Section; or
    - (b) Deny the Major Sign Plan if the City Council determines that the Minor Sign Plan and consideration of the testimony and other evidence presented at the meeting, as well as other reliable and relevant evidence, documents and information reveal that the applicant has not satisfied the conditions of this Section. The City Council's decision shall be forwarded in writing to the applicant and the Building Department within 30 days of the decision.
  - (ii) *Conditions.* The City Council may approve a Major Sign Plan subject to any conditions the City Council shall deem necessary to protect the public welfare and to achieve the purposes of this Section.
6. *Standards.* No Minor or Major Sign Plan shall be approved by either the Community Development Director or the Planning and Zoning Commission unless they shall find that the Sign Plan incorporates signs that are:
- (a) Unified and consistent throughout the building or property;

- (b) Compatible with the design and materials of the building or buildings, and consistent with the area surrounding the building or property;
- (c) Not contrary to the intent of this Section;
- (d) To be erected and maintained in accordance with the intent of this Section;
- (e) In compliance with the standards for sign permits set forth in Section C of this Section;
- (f) Reasonably necessary, and the degree of the exception is the minimum necessary to accomplish the purpose of the sign; and
- (g) Will not cause adverse effects upon the neighboring properties, or the health, safety and general welfare of the public.

E. GENERAL STANDARDS. The following standards shall apply to all allowed exempt, temporary, and permanent signs and all other signs allowed in accordance with these Sign Regulations.

1. *Illumination.*

- a. *Location and Design of Light Source.* Whenever an external artificial light source is used for a sign, such source shall be located, shielded and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is attached; provided, however, that a receptacle or device housing a permitted light source for a sign may be located more than twelve (12) inches from the face of the sign if such light source is ground mounted, locked in place, and cannot be redirected. Decorative serpentine fixtures associated with awnings and canopies which have received Design Review Permit approval may extend beyond twelve (12) inches with approved anchoring and electrical installation by the Building Commissioner.
- b. *Level of Illumination.* In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed 175-foot candles when measured with a standard light meter held perpendicular to the sign face at a distance equal to the narrowest dimension of such face. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.
- c. *Signs Adjacent to Residential Areas.* Any illuminated sign located on a lot abutting or across a street from, and visible from, any residentially zoned area shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. except that such sign may remain illuminated during such time as the activity to which the sign pertains is open

for business so long as such sign is not a public or private nuisance.

2. *Design Standards.*

- a. *Visual compatibility.* The proposed sign shall be visually compatible with the building or lot on which the sign is proposed to be located and surrounding buildings and structures in terms of height, size, proportion, scale, materials, texture, colors, and shapes.
- b. *Quality of design and construction.* The proposed sign shall be constructed and maintained with high-quality design and materials and a good relationship with the design and character of the neighborhood.
- c. *Appropriateness to the site.* The proposed sign shall be appropriate to its location in terms of design, landscaping, and orientation on the lot, and will not create a hazard to pedestrian or vehicular traffic, detract from the value or enjoyment of neighboring properties, or unduly increase the number of signs in the area.
- d. *Sign Colors.* No sign face shall employ more than four (4) colors plus black and white, unless otherwise expressly addressed in this Section.

3. *Electrical Elements.* No metal sign illuminated by any means requiring internal wiring and no electrical fixtures attached to any sign shall be lower than nine (9) feet from grade unless it is grounded by the use of a grounding conductor run with the circuit conductors and is also grounded by being bonded to a grounding electrode at the sign site.

4. *Structural Elements.* The construction and structural components of all signs shall be in accordance with the standards and regulations of the Oak Forest Building Code. All permanent signs shall be constructed of fire-resistant materials and shall be capable of withstanding wind pressures of at least thirty (30) pounds per square foot of surface area and of receiving dead loads based on the actual weight of the structure. In no case shall the structural elements of a pylon sign extend above the top of the sign face.

5. *Minimum Elevation of Certain Signs.* The bottom of every awning, canopy, and wall sign shall be elevated at least eight (8) feet above grade. Whenever possible wall signs on the same façade shall maintain the same top and bottom elevations above grade.

6. *Obstruction of Access Ways.* No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required access way.

7. *Traffic Safety.*

- a. *Confusion With Traffic Signals.* No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, sign

or device, or where it may interfere with, mislead or confuse traffic.

- b. *Obstruction of Sight Triangles Prohibited.* No sign, nor any part of a sign other than a supporting pole or brace no greater than eighteen (18) inches in width or diameter shall be located lower than eight (8) feet from grade within the area of any “sight triangle” as defined in Subsection 12-206(S) of this Code.
8. *Signs of Right-of-Way.* Except as provided in this paragraph, no sign except governmental signs authorized in this Section shall be placed in or extend into or over any public property or right-of-way.
9. *Sign Measurement.*
  - a. *Area to be Included.* The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the sign face.
  - b. *Area of Signs With Backing.* The area of all signs with backing shall be measured by computing the area of the sign backing.
  - c. *Area of Signs Without Backing.* The area of all signs without backing shall be measured by computing the area of the smallest regular geometric figures that can separately encompass all words, letters, figures, emblems and other elements of the sign message.
  - d. *Area of Signs With and Without Backing.* The area of all signs formed by a combination of elements with and without backing shall be measured by counting the area of such elements measured in accordance with the foregoing subparagraphs.
10. *Signs on Lots With Multiple Users.* Where more than one user occupies a zoning lot, the owner of the lot shall be responsible for allocating allowed signs among such users.
11. *General Safety.* Notwithstanding any other provision of this Section, no sign shall be located in an area or in any manner so as to create a nuisance or a threat to public safety and welfare.

F. ALLOWED SIGNS.

The sign regulations contained in this Subsection F shall govern all allowed signs, except for those falling under a Subsection G, Special Areas of Control. Where a sign is not allowed in this Subsection F, Subsection G shall allow any and all other sign allowances. Should this Section be in conflict in any way with Subsection G, Subsection G shall apply. The following terms are used in the tables in order to further explain or abbreviate the Sign Regulations.

SFR	Single Family Residential
MFR	Multi-Family Residential
NR	Non-Residential
MU	Mixed Use
ROW	Right of Way

1. *Exempt Signs.* Exempt signs do not require a sign permit.
  - a. *General Standards for Exempt Signs.*
    - a. All exempt signs, except for flag signs, shall be non-illuminated unless otherwise stated.
    - b. All exempt ground signs shall be no closer than five (5) feet from the paved portion of any street or back of curb where no sidewalk is present, no closer than two (2) feet from a sidewalk, and shall be on private property.
    - c. All exempt ground signs shall not be allowed within any sight triangle, as defined in Section 12-206(S) of this Code.
    - d. All exempt signs shall be securely anchored to either the ground or building wall to which they are attached so as to withstand weather conditions.
  - b. *Signs Exempt in All Zoning Districts.*
    - a. Political Election or Campaign Sign. In accordance with 65 ILCS 5/11-13-1-12, as amended from time to time, political election or campaign signs meeting the following requirements are allowed:
      1. The sign(s) shall meet all General Standards within 9-106(F)(1)(a) of this Code.
      2. The sign(s) shall be located on private properties with permission from the property owner.
      3. The sign(s) shall not exceed five (5) feet in overall height when measured from grade.
      4. The sign is not above the roof line when located on a building.
      5. The number and size of such signs shall meet the requirements as stated in Table 9-106(F)(1)(c) of this Code.
    - b. Address signs.
      1. All address signs may be illuminated in accordance with Section 9-106(E) of this Code.
      2. All address signs are allowed in accordance with Section 151.001, International Building Code, and 151.002, International Residential Code, in

the Oak Forest Municipal Code, as amended from time to time.

- c. Governmental Signs. All governmental signs shall be allowed with a sign permit.
- d. Public Utility Signs. All public utility signs shall be allowed without a sign permit.

c. *Signs Exempt on Residential Properties.* This Subparagraph shall apply to properties which are in a residential zoning district, as defined in Article 3, Neighborhood Residential Districts, and Article 4, Multi-Family Residential District, of this Code, and to properties which are in any other zoning district defined in this Code of which are used by a nonconforming use as defined in Article 10, Nonconformities, of this Code. This shall include any non-residential use on properties the zoning districts defined by the aforementioned Articles 3 and 4 of this Code. Any sign not expressly allowed by this Subparagraph (2)(c) of this Subsection (F) or elsewhere in this Section shall be prohibited.

**Table 9-106 F.1.c – EXEMPT SIGNS FOR RESIDENTIAL USES**

	Sign Type	Land Use	Max Area (ft <sup>2</sup> )	Number	Height (ft)	Additional Regulations
<b>WALL</b>	Integral	SFR	1	1 per primary structure	4 (bottom of sign from grade)	----
		MFR	3			
	Yard	SFR	6	4 per property	4	<ul style="list-style-type: none"> <li>• Any combination of yard, post, or fence signs may be used to count toward the total number of allowed ground signs being four (4).</li> </ul>
MFR		4 per primary structure				
Post	SFR	6	1 per property	4	<ul style="list-style-type: none"> <li>• Any combination of yard, post, or fence signs may be used to count toward the total number of allowed ground signs being four (4).</li> </ul>	
	MFR	Refer to <i>Subsection 9-106(G), Special Areas of Control.</i>				
<b>GROUND</b>	Flag	All uses	24 per flag	1 pole per property; 2 flags per pole	Pole height of 15 feet	----
	Fence	SFR/MFR	6	1 per fence facing public or private ROW	6 feet or no taller than the top of the fence, whichever is less	<ul style="list-style-type: none"> <li>• Any combination of yard, post, or fence signs may be used to count toward the total number of allowed ground signs being four (4).</li> </ul>

- d. *Signs Exempt on All Other Properties.* This Subparagraph shall apply to properties which are in all other zoning districts, as defined in Article 5, Commercial Districts; Article 6, Office Districts; Article 7, Industrial Districts; and Article 8, Special Districts; of this Code. The uses of such properties in the aforementioned zoning districts shall be in compliance with Appendix A, Table of Uses. Any nonconforming uses on properties in any of the aforementioned zoning districts shall otherwise adhere to the exempt sign allowances stated in Table 9-106(F)(1)(c) of this Code. Any sign not expressly allowed by this Subparagraph (1)(d) of this Subsection (F) or elsewhere in this Section shall be prohibited.

**Table 9-106 F.1.d – EXEMPT SIGNS FOR NON-RESIDENTIAL USES**

		<b>Sign Type</b>	<b>Land Use</b>	<b>Max Area (ft<sup>2</sup>)</b>	<b>Number</b>	<b>Height (ft)</b>	<b>Additional Regulations</b>
<b>WALL</b>		Window	NR/MU	No more than 25 percent of the total window surface area per elevation facing ROW.			<ul style="list-style-type: none"> <li>Window signs, interior neon window signs, and interior illuminated signs shall be included toward the total allowed area.</li> </ul>
		Integral	NR/MU	3	1 per primary structure	4 (bottom of sign from grade)	----
		Yard	NR/MU	6	1 per property; 2 per property with greater than 75 ft. of public ROW	4	----
		Flag	All uses	24 per flag	1 pole per property; 2 flags per pole	Pole height of 15 feet	----
<b>GROUND</b>		Handheld	NR/MU	--	1	--	<ul style="list-style-type: none"> <li>One person may carry one (1) handheld sign of a reasonable size able to be carried for no longer than two (2) hours, three (3) times per day.</li> <li>Sign walkers must not obstruct the view or path of travel of any pedestrian or motorist.</li> <li>Sign walkers must be no farther than fifty (50) feet from the primary entrance of the building to which they correspond.</li> <li>Sign walkers must stay on the private property of the building to which they correspond or on a public sidewalk at all times.</li> </ul>

2. *Temporary Signs.* Temporary signs on properties with residential uses do not require a temporary sign permit. Temporary signs on properties with non-residential uses require a temporary sign permit.
  - a. *Special Circumstances.* Special circumstances shall be defined as one-time events occurring on a property for which time limits vary depending on the land use of the property on which the one-time event occurs, as well as the definition of the one-time event. The allowable special circumstances shall be defined as follows:
    - i. *Grand Opening.* For the purposes of this Section, “grand opening” shall mean when a new business or other non-residential establishment opens for the first time at a physical location within the city and receives a Certificate of Occupancy. Expansions of tenant spaces are eligible for temporary grand opening signs. The time limit shall be thirty (30) days.
    - ii. *Temporary or Seasonal Use on Properties Used for Residential Purposes.* For the purposes of this Section, “temporary or seasonal use on properties used for residential purposes” shall mean a private residence or group of private residences at a physical location within the city that plans or plan to observe a one-time annual event such as, for example, national or religiously affiliated holiday, which is typically less than thirty (30) days. The time limit shall be 45 days or the duration of the use, whichever is less, and may only be three times per calendar year. A seven-day period must lapse between the end of one such use on a property before a subsequent use may take place.
    - iii. *Temporary or Seasonal Use on Properties Used for Non-Residential Purposes.* For the purposes of this Section, “temporary or seasonal use on properties used for non-residential purposes” shall mean a non-residential establishment at a physical location within the city that plans to operate for a specific period of time, or plans to conduct a one-time event for a specific period of time related to their legal conforming use on their property, which is typically less than ninety (90) days. Examples include, but are not limited to, temporary offices, carnivals, and holiday-related retail sales. The time limit shall be thirty (30) days or the duration of the use, whichever is less, and may only be three times per calendar year. A thirty-day period must lapse between the end of one such use on a property before a subsequent use may take place.
    - iv. *Prior to Installing a Permanent Sign.* For the purposes of this Section, “prior to installing a permanent sign” shall mean when a business or other non-residential establishment at a physical location within the city is in the process of installing a new permanent sign or signs. A sign permit application for the new permanent sign or signs must be submitted in order to be eligible for a temporary sign permit. The time limit shall be thirty (30) days.

- v. *Special Event.* For the purposes of this Section, “special event” shall mean an event held at a physical location within the City with a valid permit from the city. Special events include, but are not limited to, charitable events and tent sales. The time limit shall be no more than fourteen (14) days prior to the commencement of the event and immediately upon the ceasing of the event.
- vi. *Garage Sale.* For the purposes of this Section, the term “garage sale” shall be as it is defined in Subparagraph 9-103(D)(1)(a) of this Code. The time limit shall be no more than 3 days before and immediately upon the termination of the garage sale permit.
- vii. *Personal Event.* For the purposes of this Section, the term “personal event” shall be defined as a personal event or occasion such as a birth, graduation, or other celebration. The time limit shall be fourteen (14) days.

b. *General Standards for Temporary Signs.*

- i. All exempt signs shall be non-illuminated unless otherwise stated.
- ii. All exempt ground signs shall be no closer than five (5) feet from the paved portion of any street or back of curb where no sidewalk is present, no closer than two (2) feet from a sidewalk, and shall be on private property.
- iii. All exempt ground signs shall not be allowed within any sight triangle, as defined in Section 12-206(S) of this Code.
- iv. All exempt signs shall be securely anchored to either the ground or building wall to which they are attached so as to withstand weather conditions.
- v. All temporary signs shall be allowed in addition to all signs allowed by Paragraphs (F)(1) and (F)(3) of this Section.
- vi. Properties on which a special circumstance is occurring and are used for non-residential purposes cannot install more than two temporary sign types per temporary sign permit.

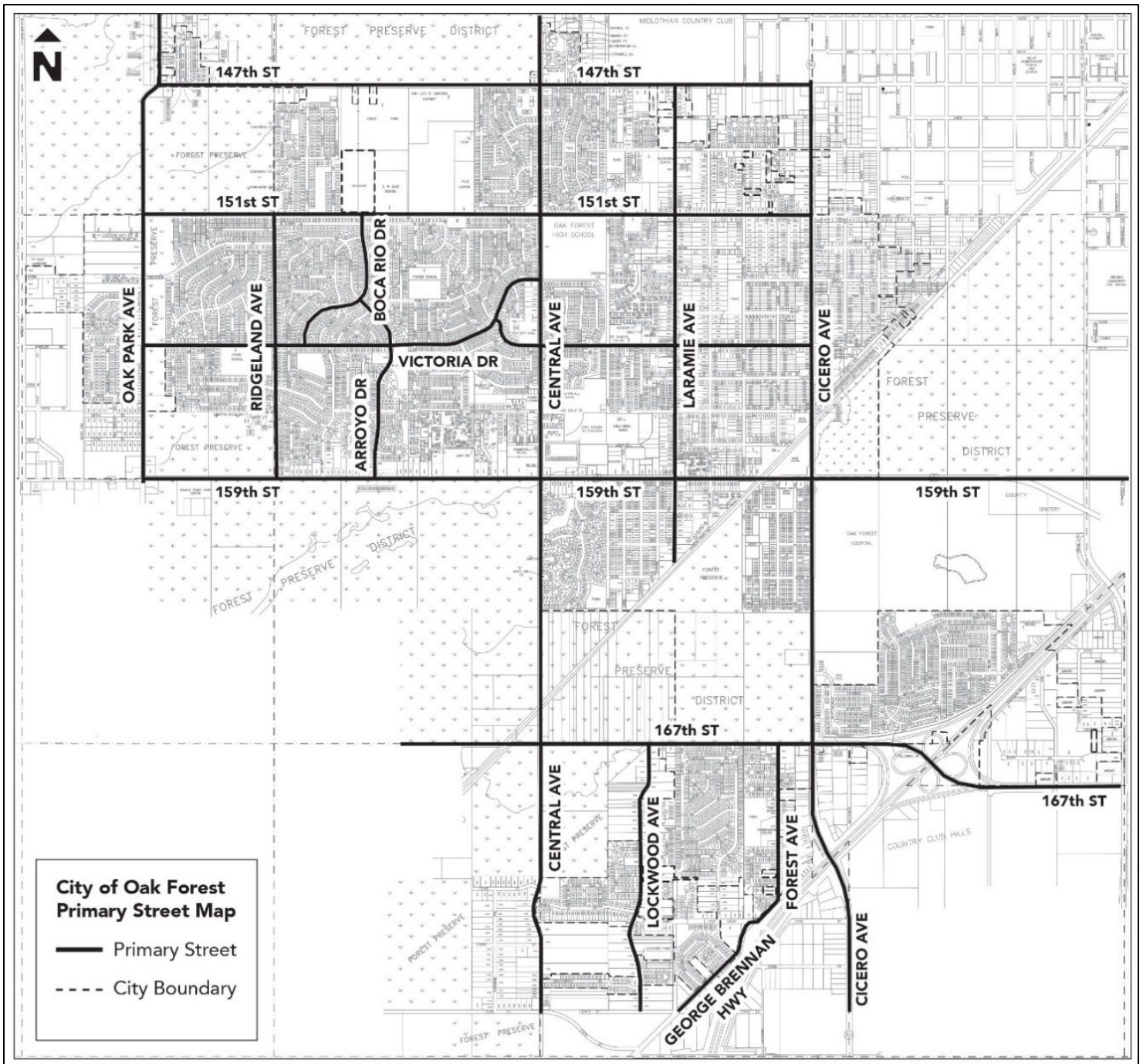
**Table 9-106 F.2.c – TEMPORARY SIGNS FOR RESIDENTIAL USES**

GROUND	Sign Type	Land Use	Max Area (ft <sup>2</sup> )	Number	Height (ft)	Allowed Special Circumstances	Additional Regulations
	Yard	SFR	16	1 per property	6	<ul style="list-style-type: none"> <li>• Temporary or Seasonal Use on Properties Used for Residential Purposes</li> <li>• Garage Sale</li> <li>• Personal Event</li> </ul>	Allowed special circumstances listed in this Table 9-106(F)(2)(c) may occur concurrently.
		MFR		1 per building			
	Fence	SFR/MFR	16	1 per individual property's frontage facing a Primary Street, as identified by Exhibit A of this Section.	6 feet or no taller than the top of the fence, whichever is less	<ul style="list-style-type: none"> <li>• Temporary or Seasonal Use on Properties Used for Residential Purposes</li> </ul>	
Inflatable	SFR/MFR	N/A	No limit.	15	<ul style="list-style-type: none"> <li>• Temporary or Seasonal Use on Properties Used for Residential Purposes</li> </ul>		

**Table 9-106 F.2.d – TEMPORARY SIGNS FOR NON-RESIDENTIAL USES**

<b>Sign Type</b>	<b>Land Use</b>	<b>Max Area (ft<sup>2</sup>)</b>	<b>Number</b>	<b>Height (ft)</b>	<b>Allowed Special Circumstances</b>	<b>Additional Regulations</b>
Banner	NR	32	1 per non-residential establishment	<ul style="list-style-type: none"> <li>• Must not extend above the roofline</li> <li>• Bottom of sign must be at least 8 feet above the ground</li> </ul>	<ul style="list-style-type: none"> <li>• Grand Opening</li> <li>• Temporary or Seasonal Use on Properties Used for Non-Residential Purposes</li> <li>• Prior to Installing a Permanent Sign</li> <li>• Special Event</li> </ul>	<ul style="list-style-type: none"> <li>• Shall not cover any window, vent, or other building appurtenance or opening</li> <li>• Shall not warp around the corner of a building.</li> </ul>
Yard	NR/MU	16	1 per public or private ROW frontage per property	6	<ul style="list-style-type: none"> <li>• Grand Opening</li> <li>• Temporary or Seasonal Use on Properties Used for Non-Residential Purposes</li> <li>• Prior to Installing a Permanent Sign</li> <li>• Special Event</li> </ul>	---
A-Frame Sign	NR/MU	6	1 per first floor non-residential establishment entrance	5	<ul style="list-style-type: none"> <li>• Special Circumstances do not apply; daily during hours of operation only; must be removed at the time of business or other non-residential use closing</li> </ul>	<ul style="list-style-type: none"> <li>• Must be within eight (8) feet of customer entrance to a building and on a sidewalk.</li> <li>• Must allow for clear passage on sidewalk in accordance with American with Disabilities Act regulations.</li> <li>• Must be renewed annually.</li> </ul>
Banner Stand Sign	NR/MU	6	1 per first floor non-residential establishment	5	<ul style="list-style-type: none"> <li>• Grand Opening</li> <li>• Temporary or Seasonal Use on Properties Used for Non-Residential Purposes</li> <li>• Prior to Installing a Permanent Sign</li> <li>• Special Event</li> </ul>	<ul style="list-style-type: none"> <li>• Must be on a weighted stand within five (5) feet of the primary entrance or no closer than 2 feet from a public sidewalk and be on private property.</li> <li>• Must allow for clear passage on sidewalk in accordance with American with Disabilities Act regulations.</li> </ul>
Feather Flags	NR/MU	20	<p><i>Installed in the ground:</i> 1 per 50 ft. of public or private ROW, with each being 50 ft. apart</p> <p><i>Placed near the primary building entrance:</i> 1 per entrance</p>	9	<ul style="list-style-type: none"> <li>• Grand Opening</li> <li>• Prior to Installing a Permanent Sign</li> <li>• Special Event</li> </ul>	<ul style="list-style-type: none"> <li>• Must be secured into the ground or on a weighted stand within five (5) feet of the primary building entrance and on a sidewalk.</li> <li>• Must allow for clear passage on sidewalk in accordance with American with Disabilities Act regulations.</li> </ul>

- e. *Primary Streets on which Certain Signs may face public right-of-way.* Exhibit A, below, titled City of Oak Forest Primary Street Map, shall identify certain public rights-of-way toward which certain signs may face as allowed elsewhere in this Section 9-106 of the Zoning Code. Any street not explicitly named as a Primary Street shall not be considered a Primary Street. Any properties with frontage on a street or streets not considered a Primary Street shall not have the same allowances as those with a frontage or frontages on a Primary Street, unless otherwise stated.



3. *Permanent Signs.* Permanent signs require a sign permit. All requirements shall be deemed as maximums unless authorized stated. The following table shall determine which permanent sign types are permitted on which properties by right, by special use permit approval, or not permitted, based on the zoning district of the property of the requested sign permit. Such signs shall only be allowed on properties in the specified zoning districts which are in compliance with Appendix A, Table of Uses, of this Code. On properties which are used for residential purposes in a non-residential zoning district, the requirements for residential zoning districts shall apply. The following terms are used in the table in order to further explain or abbreviate the sign regulations.

- S Special use permit required, for review in accordance with 11-504 of this Code
- P Permitted by right
- Not permitted

Table 9-106 F.3 – Permanent Signs as determined by Zoning District													
Sign Type	R1	R2	R3	R4	R5	R6	C1	C2	C3	O1	II	OS	IB
Monument Signs	S	S	S	S	P	P	P	P	P	P	P	P	P
Pole Signs	-	-	-	-	-	-	S	S	S	S	P/S	S	S
Electronic Message Centers	-	-	-	-	-	-	P	P	P	P	P	P	P
Directional Signs*	-	-	-	-	-	-	P	P	P	P	P	P	P
Wall Signs	-	-	-	-	-	-	P	P	P	P	P	P	P
Projecting Signs	-	-	-	-	-	-	S	S	S	S	S	S	S
Awning and Canopy Signs	-	-	-	-	-	-	P	P	P	P	P	P	P
Exceptional & Unique Signs	-	-	-	-	-	-	S	S	S	S	S	S	S

\*may require Sign Plan approval if the maximum quantity is exceeded.

- a. *Monument signs.*
  - i. *Materials required.* Monument signs shall have a surface or facing of incombustible materials with bases constructed of decorative durable materials, such as brick, stone, or decorative masonry block; provided, however, that structural trim composed of combustible material, may be used.
  - ii. *Secured letters or fixtures.* All letters, figures, characters or representations in a cut-out or irregular form, maintained in conjunction with, attached to, and/or superimposed upon any monument sign, shall be safely or securely built and/or attached to the sign structure.
  - iii. *Quantity.* One monument sign shall be allowed per street frontage on a zoning lot with 100 or more lineal feet of continuous street frontage.
  - iv. *Height and area limitations.* Monument signs shall not exceed a height greater than 10 feet above grade. Monument signs shall not exceed 100 square feet on one side (200 square feet on two sides) in surface area for

the first monument sign. Any monument sign beyond the first monument sign shall not exceed fifty-percent the area of the first sign.

- v. *Location.* Monument signs shall be erected no less than two feet from the property line of the subject property on which the sign is erected. Monument signs shall not encroach into a sight triangle as defined in Subsection 12-206 of this Code. No monument sign shall be closer than two feet away from any other sign, building and/or structure.

- 1. *Residential districts.* Monument signs shall be located near a public, common entrance to the residential development, as approved by a special use permit.

- vi. *Landscaping.* Monument signs shall be landscaped at their base in a manner harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer. Planting beds shall extend one and a half (1.5) feet from the sign base on all sides. The landscape area shall be curbed at the perimeter when the sign is incorporated into a hard-surfaced parking area. Shrubs or other monument covers shall be a minimum of sixty percent (60%) of the height of the base at planting without blocking the sign copy for the purpose to cover or soften the base. If the proposed sign base is visually enhanced, the Community Development Director may grant partial relief of the landscaping requirement.

- vii. *Electronic message centers.*

- 1. *Quantity.* One electronic message center per lot may be allowed as a component of any monument sign as an accessory tool to the primary sign provided it meets the standards in this Subparagraph.
  - 2. *Area.* The electronic message center area shall not exceed forty percent (40%) of the area of the monument sign to which it is part. The electronic message center area shall be integrated into the design of the overall monument mounted sign.
  - 3. *Design.* Electronic message centers must be accessory to the primary monument sign cabinet and are not allowed to be installed above said primary monument sign cabinet.

- b. *Pole signs.*

- i. *Materials required.* Pole signs shall have a surface or facing of incombustible materials. Structural trim composed of combustible material, however, may be used. The pole or poles and other support structures shall be fully enclosed with decorative durable materials, such as brick, stone, or decorative masonry block or metal, and be of a shape other than a cylindrical pole. Ordinary or traditional cylindrical poles shall be prohibited as support structures.
  - ii. *Secured letters or fixtures.* All letters, figures, characters or representations in a cut-out or irregular form, maintained in conjunction with, attached to, and/or superimposed upon any ground sign, shall be safely or securely built and/or attached to the sign structure.
  - iii. *Quantity.*

- 1. *Lots with Interstate Highway Frontage.* On zoning lots which

- directly front interstate highway right-of-way, or indirectly front interstate highway right-of-way by only being separated by a frontage road, one pole sign shall be allowed per frontage on a zoning lot with 100 or more lineal feet of continuous frontage.
2. *All Other Lots.* On zoning lots where existing conditions do not provide sufficient space or visibility for the installation of a monument sign in compliance with Subparagraph 9-106(F)(3)(a) of this Subsection, one pole sign shall be allowed with a special use permit per frontage on a zoning lot with 100 or more lineal feet of continuous frontage.
- iv. *Height limitations.* Pole signs shall not exceed the following maximum heights:
    1. *Lots with Interstate Highway Frontage.* Pole signs on zoning lots which directly front interstate highway right-of-way, or indirectly front interstate highway right-of-way by only being separated by a frontage road, shall be limited to no more than twenty-five (25) feet in height from grade to the top of the sign cabinet.
    2. *All Other Lots.* Pole signs on zoning lots which do not directly or indirectly front interstate highway right-of-way as described above in Subparagraph 9-106 F(3)(b)(iii)(1) shall be limited to no more than fifteen (15) feet in height from grade to the top of the sign cabinet.
  - v. *Area limitations.* Pole signs shall not exceed 100 square feet on one side (200 square feet on two sides total) in surface area for the first pole sign. Any pole sign beyond the first pole sign shall not exceed fifty percent of the area of the first sign.
  - vi. *Location.* The final location of any pole sign shall be a minimum of two feet from all property lines of the subject property on which the sign is erected, including the vertical plane of the cabinet or sign face edge, and comply with the “sight triangle” requirement of Subsection 12-206(S) of this Code. The bottom portion of any pole sign shall be at least 8 feet from the adjoining ground level. The location of the sign shall not obstruct the view of motorists and pedestrians. No pole sign shall be closer than two feet away from any other sign, building and/or structure.
  - vii. *Landscaping.* Pole signs shall be landscaped at their base in a manner harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer. Planting beds shall extend one and a half (1.5) feet from the sign base on all sides. The landscape area shall be curbed at the perimeter when the sign is incorporated into a hard-surfaced parking area. Shrubs or other ground covers shall be at least 25% of the height of the pole sign, or six feet in height, whichever is less, for the purpose to cover or soften the base of the sign. If the proposed sign base is visually enhanced, the Community Development Director may grant relief of the landscaping requirement.
  - viii. *Design.* Pole signs shall implement a unique design theme consisting of various shapes and styles.
  - ix. *Electronic message centers.* An electronic message center may be allowed

as a component of any pole sign subject to special use permit approval. Any electronic message center component as part of a pole sign shall be not displayed lower than 8 feet in height nor higher than 10 feet in height with any departures from these standards subject to a specific special use permit approval condition.

c. *Electronic Message Centers.*

i. *Location.*

1. The subject property of the electronic message center sign shall have no less than 100 feet of R.O.W. frontage on which the sign is to be located.
2. The sign is prohibited within 100 feet of a principal residential structure if any part of the sign face would be visible from the principal residential structure.

ii. *Display.*

1. The copy, logo or display of the sign shall remain static and unchanging for a period of no less than 10 seconds.
2. Anything displayed on the lines of text on the sign shall be displayed monochromatically, and shall not change in color, intensity, brightness, shade or color gradient.
3. The message shall not consist of flashing, scintillating, chasing or animated lights, or include animated pictorial graphics.
4. The illumination of the sign shall not exceed an intensity of 0.5 foot-candles as measured with a portable hand-held sensor at either the property line or ten (10) feet from the sign, whichever is lesser.
5. The sign shall incorporate automatic dimmer software or solar sensors with maximum settings of 5,000 nits during daylight and 500 nits between dusk and dawn. If the city finds that the sign causes glare or otherwise impairs the vision of the driver of a motor vehicle, the owner of the sign, within twenty-four (24) hours of a request by the city, shall reduce the intensity of the sign to a level acceptable to the city.

iii. *Operations.*

1. The sign shall only operate between one-half hour before the premises are opened, or 6:00 A.M., whichever is earlier and one-half hour after premises are closed to the public, or 11:00 P.M., whichever is later.
2. If at any time, more than thirty (30) percent of the display lights malfunction or are no longer working, the owner of the sign shall make repairs to the sign within thirty (30) days or the sign will require removal. All electronic message center signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.

- d. *Directional signs.*
  - i. *Materials required.* Refer to Subparagraphs 9-106 F(3)(a)(i) and F(4)(b)(i).
  - ii. *Secured letters or fixtures.* Refer to Subparagraphs 9-106 F(3)(a)(ii) and F(4)(b)(ii).
  - iii. *Quantity.* One directional sign shall be allowed per right-of-way frontage on a zoning lot with 100 or more lineal feet of continuous street frontage. One additional directional sign may be allowed in a parking lot accessory to a primary structure and must be located within a landscape island in compliance with Section 9-107 of this Code. Additional signs above what is allowed by this Subparagraph (d) shall require Sign Plan approval.
  - iv. *Height and area limitations.* Directional signs shall not exceed a height greater than four (4) feet above grade. Directional signs shall not exceed six (6) square feet per sign face.
  - v. *Location.* Directional signs shall not be closer than two (feet) to any property line, pavement area, or curb or closer than five (5) feet to any other permanent ground sign. Directional signs must be within five (5) feet of a driveway serving as ingress and/or egress to a right-of-way or within a landscape island compliant with Section 9-107 of this Code.
  
- e. *Wall signs.*
  - i. *Materials required.* Wall signs shall have a surface or facing of incombustible materials; provided, however, that structural trim composed of combustible material, may be used.
  - ii. *Secured letters or fixtures.* All letters, figures, characters or representations in a cut-out or irregular form, maintained in conjunction with, attached to and/or superimposed upon any wall sign, shall be safely or securely built and/or attached to the sign structure.
  - iii. *Placement.* Wall signs shall be placed and designed so as to fit within the horizontal and vertical elements of a building. Wall signs must not cover, wholly or in part, any window, door, architectural feature, or opening in a wall. Wall signs must be attached to a wall at a height of not less than 8 feet above ground level. Wall signs may only be located on walls parallel to a street, or those which provide a customer pedestrian building entrance parallel to a parking area. Accessory wall signs may also be located on:
    - 1. walls which do not provide a customer pedestrian building entrance but are parallel to a parking area;
    - 2. walls which are parallel to the main point of ingress and egress to a non-residential development; or
    - 3. walls with a secondary customer pedestrian building entrance.
  - iv. *Projection.* Wall signs shall not project beyond the end, tip, cornice, or roofline of the wall to which it is attached, nor extend more than six inches in depth from the wall to which they are attached.
  - v. *Height.* The vertical dimension of any sign face for a wall sign shall be no more than seven (7) feet; except the vertical dimension of a sign face for an accessory wall sign located under Subparagraph 9-106 F(3)(e)(iii) shall be no more than four (4) feet.

- vi. *Total maximum area.* Notwithstanding any other provision of this paragraph:
    1. no wall sign facing an interstate highway right-of-way may exceed three hundred (300) square feet in area; and
    2. no other wall sign may exceed two hundred (200) square feet in area.
  - vii. Single-tenant buildings or tenant spaces with thirty (30) feet or less of frontage.
    1. *Total number of wall signs.* One wall sign is allowed for each single tenant building or tenant space with thirty (30) feet or less of frontage.
    2. *Total wall sign width.* The width of a wall sign on a single tenant building or tenant space with thirty (30) feet or less of frontage must be no more than seventy-five (75) percent of the total length of the frontage to which it is attached.
  - viii. Single-tenant buildings or tenant spaces with greater than thirty (30) feet of frontage.
    1. *Total number of wall signs.* No more than one primary wall sign and two accessory wall signs are allowed for a single tenant building or tenant space with greater than thirty (30) feet of frontage. No more than one accessory wall sign may be located under Subparagraph 9-106 F(3)(e)(iii).
    2. *Total wall sign width.* The total width of all wall signs on single-tenant buildings or tenant spaces with greater than thirty (30) feet of frontage shall be no more than fifty (50) percent of the total length of the frontage to which they are attached; however, an accessory sign located under Subparagraph 9-106 F(3)(e)(iii) shall be no more than twenty-five (25) percent of the total length of the frontage to which it is attached.
  - ix. *Accessory wall sign area.* Accessory wall signs not located under Subparagraph 9-106 F(3)(e)(iii) are limited to twenty (20) percent of the total maximum area allowed.
  - x. *Corner units of multi-tenant buildings, or single tenant buildings on corner lots.* When a corner unit of a multi-tenant building or a single-tenant building on a corner lot faces two streets,
    1. the total maximum width for wall signs on each frontage is limited to the width allowed for the shorter frontage; and
    2. the wall signs on each frontage must be substantially similar.
- f. *Projecting signs.*
- i. *Area limitations.* Except by special permission of the City Council, projecting signs shall be limited in area as follows:
    1. Horizontal projecting signs, where the width is greater than height, shall not exceed 50 square feet on each side; and
    2. Vertical projecting signs, where height is greater than width, shall not exceed 100 square feet on each side.
  - ii. *Thickness limitation.* The distance measured between the principal faces of any projecting sign shall not exceed 18 inches.

- iii. *Location of projecting signs.* Every projecting sign shall be placed at least 10 feet above the public sidewalk over which it is erected, no more than two feet from the face of the wall to which it is attached, measuring from the point of the sign nearest the wall, and at least one foot from the curb line. Every projecting sign shall be placed at least 15 feet above the public driveway, alley or thoroughfare over which it is erected.
  - iv. *Illumination requirements.* Projecting signs may be illuminated every night between sunset and 10:00 p.m. or the close of business day, whichever is earlier, by at least five watts per square foot of sign surface, but in no case less than 60 watts for each sign surface.
- g. *Awning and canopy signs.*
- i. *Materials; awnings.* Awnings may be constructed of cloth or metal; provided, however, all frames and supports shall be of metal. All new awnings shall be subject to review in accordance with Section 11-505 of this Code.
  - ii. *Materials; canopies.* Canopies may be constructed of a cloth or metal hood; provided, however, all frames and supports shall be of metal. In the C-3 District, awnings may be made of cloth; provided, however, all frames and supports shall be of metal. All new canopies shall be subject to review in accordance with Section 11-505 of this Code.
  - iii. *Illumination.* In all non-residential districts except the C-3 District, awnings may be both internally and externally illuminated subject to all other applicable standards. In the C-3, any illumination must be provided by lighting cast down from above the awning or canopy via decorative serpentine fixtures, subject to review in accordance with Section 11-505 of this Code.
  - iv. *Location of awnings and canopies.*
    - 1. *Heights above sidewalk; awnings.* No portion of an awning shall be less than eight feet above the level of the sidewalk or public thoroughfare over which it is erected.
    - 2. *Height above sidewalk; canopies.* No portion of a canopy shall be less than nine feet above the level of the sidewalk or public thoroughfare over which it is erected.
  - v. *Setback from curb line.* No awning or canopy shall be allowed to extend beyond a point one foot inside the curb line.
  - vi. *Width.* No limitation on the width of awnings or canopies. Full compliance with the wind pressure and dead load requirements is required.
  - vii. *Awnings to be rolled.* When applicable, awnings shall be rolled or folded against the building wall except when serving as a protection from sun, rain, snow or other inclement weather.

- h. *Exceptional & Unique Sign.* Signs not explicitly covered by this Section may be allowed with Special Use Permit approval only within the context of the following considerations:
- i. The sign is integral to or will act as a visual enhancement to the architectural and aesthetic character to the building or lot upon which it is located;
  - ii. The sign is needed to provide advertising for a specific and unique aspect related to a particular business or lot;
  - iii. The sign utilizes technology or standards not presently covered by this Section;
  - iv. The sign or elements of the sign are not explicitly prohibited under Subsection H of this Section;
  - v. The sign will not present visual, noise, smell or other nuisance conditions to the surrounding properties or the city as a whole; and
  - vi. The sign will not impact negatively on the health, safety, and welfare of the surrounding properties or the city as a whole.

**G. SPECIAL AREAS OF CONTROL.**

Signs on properties within one of the special areas of control listed below shall adhere to the standards of this Subsection G. Properties primarily used for residential purposes within one of the defined special areas of control shall be exempt from permitting requirements. Properties used for any non-residential use or for a combination of residential and non-residential uses shall require a temporary sign permit. All signs on properties within special areas of control shall adhere to the general standards herein. All regulations in this Subsection shall be maximums unless otherwise stated. The following terms are used in the tables in order to further explain or abbreviate the Sign Regulations.

SFR	Single Family Residential
MFR	Multi-Family Residential
NR	Non-Residential
MU	Mixed Use
NP (or blank)	Not Allowed.
ROW	Right of Way

*1. General Standards for Special Areas of Control.*

- a. All signs shall be non-illuminated unless otherwise stated.
- b. All ground signs shall be no closer than five (5) feet from the paved portion of any street or back of curb where no sidewalk is present, no closer than two (2) feet from a sidewalk, and shall be on private property.
- c. All ground signs shall not be allowed within any sight triangle, as defined in Section 12-206(S) of this Code.
- d. All signs shall be securely anchored to either the ground or building wall to which they are attached so as to withstand weather conditions.
- e. All signs allowed by this Subsection shall be in addition to the number of signs authorized by Subsection H of this Section.
- f. A-frame signs shall not be allowed for use during in climate weather conditions.

*2. Properties for sale or lease.* Yard or post signs meeting the following requirements shall be allowed on real property which is actively being offered for sale or for lease:

<b>Table 9-106 G.2 – Properties for sale or lease</b>				
<b>Land Use</b>	<b>Sign Face Area (ft<sup>2</sup>)</b>	<b>Number</b>	<b>Sign Height (ft)</b>	<b>Additional Regulations</b>
SFR	6	1 per public or private ROW frontage	6	
MFR	16	1 per primary structure, per public or private ROW frontage	6	<ul style="list-style-type: none"> <li>• Must be made of durable, non-combustible material.</li> </ul>

NR/MU	For Lease: 16	1 per primary structure, per public or private ROW frontage	6	<ul style="list-style-type: none"> <li>Must be made of durable, non-combustible material.</li> </ul>
	For Sale: Property with less than 100 ft. of frontage: 16			
	For Sale: Properties with 100ft. of frontage or greater: 32			

3. *Properties with model homes.* The following sign types meeting the following requirements shall be allowed on real property which is actively registered with the City Clerk’s office as a model home or model unit. All signs must be removed at the time of expiration of the model home or model unit registration.

Table 9-106 G.3 – Properties with model homes or units					
Land Use	Sign Type	Area (ft <sup>2</sup> )	Number	Height (ft)	Additional Regulations
SFR	Feather Flag	15	2 per property	7	<ul style="list-style-type: none"> <li>A-Frame signs shall only be displayed during daily hours of operation.</li> <li>Feather flag signs must be secured into the ground or on a weighted stand within five (5) feet of the primary entrance.</li> <li>Non-illuminated attention-getting devices are allowed.</li> </ul>
	A-Frame	6	1 per property	5	
	Yard-or Post	16	1 per property	6	
MFR	Feather Flag	20	2 per building	9	
	A-Frame	6	1 per primary entrance to the building	5	
	Yard-or Post	16	1 per building	6	
MU	Feather Flag	20	2 per building	9	
	A-Frame	6	1 per primary entrance to the leasing office	5	
	Yard-or Post	16	1 per building	6	

4. *Properties undergoing construction.* Yard or post signs meeting the following requirements shall be allowed on real property which has an active and open building permit with the Building Department. All signs shall be removed immediately upon receiving a Certificate of Occupancy from the Building Commissioner.

Table 9-106 G.4 – Properties undergoing construction					
Land Use	Sign Type	Area (ft <sup>2</sup> )	Number	Height (ft)	Additional Regulations
SFR	Fence	12	1 per property	4	<ul style="list-style-type: none"> <li>Fence signs shall adhere to the height maximum herein, or not exceed the top of the fence to which they are attached.</li> </ul>
	Yard-or Post				
MFR	Fence	12	1 per building	4	
	Yard-or Post				
NR/MU	Fence	32	1 per property	7	
	Yard-or Post				

## H. MAINTENANCE AND GENERAL SIGN PROHIBITIONS.

### 1. *Maintenance Standards.*

- (a) *Safety.* The owner or operator of a sign and the owner of the lot on which the sign is located shall be jointly and severally liable to maintain the sign(s), including its (their) illumination sources, in compliance with this Section and all applicable laws, in a safe, secure, neat and orderly condition, and in good working order, at all times.
- (b) *Ordinary Repair and Maintenance.* The owner or operator of a sign and the owner of the lot on which the sign is located shall be jointly and severally liable to maintain the sign, including normal maintenance and incidental repair or replacement of non-bearing sign elements and electrical wiring and fixtures which may be performed on any sign. This shall include prevention of development of any rust, corrosion, rotting or other deterioration in the physical appearance of the sign. However, any repair or replacement shall, whenever possible eliminate or reduce any nonconformity in the element being repaired or replaced and provided further, however, that this Paragraph (H) of this Section shall not override the authority of this Section. The area around any ground sign shall be kept clean and free of all rubbish, overgrown grass, other overgrown and poorly maintained landscaping, and weeds.
- (c) *Sign Face Changes.* Provided that the sign is otherwise in compliance with this Subsection H as determined by the Building Commissioner and is a legal conforming sign, sign face changes may be completed without a sign permit. Sign face changes on signs which are considered nonconforming, as determined in Paragraph (I)(2) of this Section 9-106 of the Code, may be completed upon review by the building commissioner to ensure that the sign structure is not altered, enlarged, or moved.

### 2. *General prohibitions.*

- (a) No sign or other advertising structure shall be erected, relocated or maintained in a manner so as to prevent free ingress to, or egress from, any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

- (b) No sign or other advertising structure shall:
  - (i) Obstruct free and clear vision at any street intersection;
  - (ii) Interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device because of its position, shape or color; or
  - (iii) Make use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER" or any other word, phrase, symbol or character in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic.
- (c) No sign or other advertising structure shall be allowed to constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance.
- (d) No signs may have blinking, flashing or fluttering lights, or other illuminating devices, which has a changing light intensity, brightness or color; rotating beams, beacon or flashing illumination resembling an emergency light.
- (e) No sign or other advertising structure shall display any matter in which the dominant theme of the material, taken as a whole, appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- (f) No sign or other advertising structure shall be painted on or attached to a motor vehicle used primarily for the display of the sign. This Section shall not prohibit the identification of a business and/or its products or services on those vehicle(s) owned and operated by the business and parked or located in a manner appropriate to the normal course of business.
- (g) No sign or other advertising structure shall have visible moving, revolving or rotating parts or visible mechanical movement of any kind, except for the movable hands of street clocks, or other apparent visible movement achieved by electrical, electronic or mechanical means.
- (h) No sign designed to be moved from place to place (freestanding or on wheels), that is not otherwise permanently affixed to the ground, a building or other permanent structure shall be allowed, unless otherwise explicitly allowed in this Section.
- (i) No signs attached to trees, public utility poles, standpipes, gutter drains or fire escapes, other than warning signs issued by government officials or public utilities, shall be allowed.
- (j) No neon tubing or illuminated tubing shall be allowed on any sign, building, fence, or other permanent or temporary structure or on the interior of any window, unless otherwise allowed as an interior illuminated sign or interior neon sign in this Section.
- (k) No streamers, posters, ribbons, balloons, lights bulbs, light bands, spinners, attention-

getting devices that move, blink or flash signs shall be allowed.

- (l) No signs or decorative elements shall be allowed on roofs.
- (m) Signs which are painted directly onto an exterior wall of any building, structure, fence, or sign are prohibited.
- (n) No sign or other advertising structure shall be illuminated with lights, which glare into or upon the surrounding area of any residential premises or distract operators of vehicles and/or pedestrians accessing and/or using the public right-of-way.
- (o) Any sign comprised of plywood or similar material is prohibited.
- (p) No sign, except governmental and public utility signs authorized in this Section, shall be placed in or extend into or over any public property or right-of-way.
- (q) The erection of billboard shall be prohibited. Existing billboards must comply with the requirements of Section I of this Section. (Ord. 2006-11-0068O, passed 11-28-2006)

#### I. NONCONFORMING SIGNS.

1. Authority to Continue. Except as provided in Subsection F of this Section, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful, subject to the regulations contained in Subsections B through E of this Section.
2. Alteration, Enlargement, Moving. No nonconforming sign shall be changed or altered in any manner that would increase the degree of its nonconformity; be enlarged or expanded; be structurally altered to prolong its useful life; or be moved in whole or in part to any other location where it would remain nonconforming. A change in sign message that does not otherwise violate the provisions of this Code shall not be deemed to be prohibited by this Subsection.
3. Change of Sign. A nonconforming sign that has been changed to eliminate its nonconformity, or any element of its nonconformity, shall not thereafter be change to restore such nonconformity or nonconforming element.
4. Damage or Destruction. Any nonconforming sign, or any nonconforming element of a sign capable of change or discontinuance separate from other elements of the sign, damaged or destroyed, by any means, to the extent of 35 percent (35%) or more of its replacement cost of the current assessed value shall not be restored but shall be removed or brought into conformity with the provisions of this Code.
5. *Termination of Certain Signs.*
  - a. *Signs subject to Immediate Termination.* The following nonconforming signs, or sign features, shall be terminated within thirty (30) days after the effective date of this

Code by removal of the sign or by alteration of the sign to eliminate the specified feature:

- i. Attention-getting devices
  - ii. Moving or animated signs, except governmental signs or public utility signs as allowed by Subsection F of this Section.
  - iii. Portable signs, excluding A-frame or sandwich board signs and banner stand signs as allowed in accordance with Subsection F of this Section.
  - iv. Temporary signs, except as expressly allowed by Subsection F of this Section.
  - v. Any sign on a tree or utility pole, whether on public or private property.
  - vi. Any sign on public property, except governmental or public utility signs authorized in Section 9-106 of this Code.
  - vii. Any sign constructed or erected without a valid permit.
  - viii. Any other sign expressly prohibited by Paragraph (H)(2) of this Section or not otherwise expressly allowed by this Section.
- b. *Termination of obsolete signs.* No sign or other advertising structure shall advertise a business or product which is no longer in existence on the premises where a sign is located. Any such sign which is not in conformance with this Section on which property the previous use has ceased operation shall be immediately taken down and removed from the subject property.
- c. *Termination by abandonment.*
- i. Any nonconforming sign that is not used for a period of 30 consecutive days, regardless of any intent to resume or to not abandon the use shall be deemed to be abandoned and shall not thereafter be reestablished or resumed. Every sign shall be immediately removed or brought into conformity with the provisions of this Section.
  - ii. Notwithstanding anything to the contrary in this Section I, any period of discontinuance caused by government actions, strikes, material shortages, or “acts of God,” and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Section I.
- d. *Termination by change of business ownership.* Any nonconforming sign advertising identifying or pertaining to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.
- e. *Special provisions regarding nonconforming billboards.* It is the policy of the city to avoid unnecessary and costly litigation resulting from requiring removal of a nonconforming billboard. The following procedures have been adopted to provide for a negotiated, mutually beneficial, cost-effective method of removing, or otherwise bringing into compliance with the provisions of this division, nonconforming billboards.
- i. Notwithstanding anything to the contrary in this Section I or elsewhere in this Section, an owner or operator of a nonconforming billboard shall not be subject to

- the amortization or other nonconforming use provisions of this Section.
- ii. A nonconforming billboard shall be removed upon:
    1. The recommendation of the Community Development Director to the City Council; and
    2. The City Council approving the recommendation by resolution duly adopted.
  - iii. An owner or operator of a nonconforming billboard required to be removed under this division (4) shall receive a written notification from the Community Development Director that his, her or its billboard has been designated for removal and shall be asked to declare the value of the billboard in writing from an independent licensed appraiser. The notification shall not be deemed a final administrative action, nor shall it be deemed a final order, but shall only serve to begin a negotiated process for removal of a nonconforming billboard.
  - iv. The city will use the appraisal as a basis for preparing an amortization agreement that will establish a period of time that the billboard may remain in operation and, as appropriate, a cash settlement payable at the end of the amortization period. The owner or operator shall cooperate in the negotiations to arrive at an agreed upon amortization and, as appropriate, cash settlement for removal of a nonconforming billboard.
  - v. In the event that the city and owner or operator of a billboard cannot agree to the terms of an amortization agreement, the city shall reserve the right, but have no obligation to, seek the condemnation of a nonconforming billboard in a court proceeding.
  - vi. An amortization agreement shall be recorded in the office of the Cook County Recorder against the lot upon which the nonconforming billboard is located. (Ord. 2006-11-0068O, passed 11-28-2006)

#### J. UNLAWFUL SIGNS.

1. Should the Building Commissioner determine a sign or other advertising structure is in violation of the provisions of this Section, thus becoming a prohibited sign, Building Commissioner or his or her designee shall give written notice to the permittee and/or the owner of the property upon which the structure is located.
2. If the permittee or owner fails to remove or alter the structure so as to fully comply with the provisions set forth in this Section within ten days after the notice, the Building Commissioner may undertake the removal or alteration as is necessary to bring the structure into compliance and assess the removal or alteration costs to the permittee or owner.
3. The Building Commissioner may cause any sign or other advertising structure which presents an immediate peril to person or property to be removed or altered immediately and without notice.

## PART I-D BUFFERS AND LANDSCAPING REQUIREMENTS

### 9-107: BUFFERS AND LANDSCAPING

- A. General Landscaping and Maintenance Requirements. Except for accessory uses expressly permitted to be located in required setbacks, all setbacks and open space between and about structures and off-street parking and loading areas and lots shall be landscaped and kept free of accumulations of garbage, trash, refuse, debris and other unsightly or nuisance-creating materials. All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds. Undeveloped areas shall be mowed and kept free of accumulations of garbage, trash, refuse, debris and other unsightly or nuisance-creating materials until developed. Developed areas shall be maintained in compliance with all site plans and landscaping plans approved pursuant to the Code, and all buffers and landscaping shall be maintained and replaced in accordance with such plans.
- B. Foundation Landscaping
1. Scope.
    - (a) General. The requirements of this Subsection B shall apply in all districts other than (i) Neighborhood residential districts, (ii) multiple family residential districts where only single family detached dwellings are developed, (iii) the I1 Industrial District and (iv) the Gateway Redevelopment District. The provisions of this Subsection B shall not apply to buildings developed prior to August 16, 1999.
    - (b) Exception for Inadequate Growing Conditions. If the Community Development Director determines that a building has no areas with adequate growing conditions to support a healthy foundation landscaped area, such building shall be exempt from the requirements of this Subsection B.
  2. Area Required.
    - (a) Width. Each principal and accessory building shall have a landscaped area located along the foundation of each building with a minimum width of whichever is less: the size of the setback requirement pursuant to Appendix B or ten (10) feet when the building height is more than the lesser of three stories or 35 feet, and a minimum width of five (5) feet when the building height is less than the lesser of three stories or 35 feet. All such minimum widths shall be measured from the edge of the building.
    - (b) Distance. The landscaped area shall be provided abutting each building and any attached structures, including decks and terraces, for a combined distance of not less than fifth (50) percent of the exterior perimeter of each such building and any attached structures, including decks and terraces.
  3. Plant Materials Required. All such landscaped areas shall contain any combination of shade trees, ornamental trees, evergreen trees, shrubs, flowering plants, ground cover plants, and other native or ornamental grasses and plants. All areas adjacent

to a building or structure that are not paved and not otherwise landscaped as required by this Subsection shall be sodded and maintained with a grass cover or other plant material.

4. Design. All such landscaped areas shall be designed to meet the following standards, as applicable to the lot:
  - (a) screening from view any mechanical equipment, air conditioning units and other equipment not located within the building; service areas; and loading docks;
  - (b) provide visual relief along large expanses of building walls and accent building entrances and architectural features; and
  - (c) enhance walkways, entrances, outdoor seating areas, and other pedestrian areas.

C. Parking Lots and Garages.

1. Parking Lot Screening.

- (a) Every parking lot visible from a right-of-way or any public or private street shall, to the extent hereinafter specified, be buffered and screened for a height of not less than two (2) to three (3) feet above grade. Visibility from the right of way needs to be considered for security purposes.
- (b) Every parking lot adjoining any lot located in any residential district, the Institutional Buildings District, or the Open Space District shall be screened from view from any office, commercial or industrial district lot for a height of not less than six (6) feet above grade.
- (c) Location and Materials. All parking lot screening required by this Section shall be located between the edges of the parking lot and the property line and be no less than three (3) feet in width.

2. Parking Lot Interior Landscaping.

- (a) Trees. In addition to the requirements set forth in Paragraph A above, every parking lot containing ten (10) or more parking spaces shall contain at least one (1) tree, of three (3) inches or greater in diameter, for each eight (8) parking spaces provided.

Such trees may be provided by the preservation of existing trees or the planting of new trees and shall be planted at a sufficient distance from each other for healthy growth based on current standards generally observed by professionals in the arboriculture, forestry, landscaping, and landscape architecture professions. No existing or new tree located more than five (5) feet outside the perimeter of the paved parking area shall be counted in meeting the requirements of this Paragraph. More than fifty (50%) percent

of the trees required by this Paragraph shall be located in landscaped islands within the interior of the paved parking lot.

- (b) Relief. A parking lot, new construction or existing, with site constraints may ask for relief from the subsection, 9-107. C.2.a, but shall provide through payment or planting as many trees it is seeking relief from planting to the city in lieu of. Each tree must meet the specifications and standards set forth in these guidelines and the city code of ordinances. Such relief shall be granted through the minor design review process (Section 11-505 E).
- (c) Other Requirements. All islands shall be generally dispersed throughout the interior of the parking lot and shall be not less than one hundred (100) square feet in area and shall be of such dimensions that shall support the healthy growth of trees and other landscaping therein, based on current standards generally observed by professionals in the arboriculture, forestry, landscaping, and landscape architecture professions. All such islands, created curbs or other traffic flow regulators shall be landscaped with shrubs, flowering plants, ground cover plants, sodded lawn or mulch. No material in islands interior to parking lots other than trees shall be more than thirty (30) inches in height above adjacent pavement.

3. Parking Garage Design. Every parking garage, other than garages accessory to single family dwellings, constructed after the effective date of this Code shall comply with the following design standards:

- (a) The exterior walls of the garage shall be a minimum of five (5) feet in height.
- (b) The exterior surface of the garage shall be constructed of the same materials as, or materials architecturally and aesthetically compatible with, the principal building to which it is accessory.
- (c) The foundation landscaping requirements of this Section 9-107.

D. Loading Spaces. Every loading space visible from any lot zoned for residential use, whether or not such residential use is within the City, shall, except as necessary for access, be screened on all sides visible from any such lot by an opaque fence (but not including chain link fences), wall or densely planted evergreen hedge of not less than six (6) to eight (8) feet in height.

E. Perimeter Landscaped Open Space. Except as expressly provided otherwise in the district regulations requiring a perimeter landscaped open space, all required perimeter landscaped open space shall extend along the entire length of the lot line in question and shall have a width equal to fifteen (15) feet or the depth of the setback required along the lot line in question, whichever is greater. Such space shall be broken only by required access drives. Such space shall be suitably surfaced with grass, groundcover or decorative paving material, or a combination thereof; shall contain landscaping such as ornamental trees and shrubs or appropriate screening devices such as decorative walls, fences (but not including chain link fences) or berms, or a combination thereof. The landscaping and screening treatment of such space shall be so designed and maintained as to preserve unobstructed

vision of the street and sidewalk at points of access and as not to interfere with, or be damaged by, work within any public or utility easement unless the Community Development Director shall determine that no other location is reasonably feasible.

F. Special Protective Requirements for Non-Dwelling Uses Abutting Residential Use. Notwithstanding any other provision of this Section 9-107, in any case where a lot to be devoted to any use other than a dwelling abuts or is across a right-of-way from any lot zoned for residential use, whether or not such lot is within the City, the use and development of the lot to be devoted to the non-dwelling use shall be subject to the following requirements:

1. Special Building Setback for Buildings Over fourteen (14) Feet in Height. All buildings over fourteen (14) feet in height shall be set back from any front or corner side yard line facing a residential district a distance equal to the setback normally required or to the front setback required in the adjacent residential district, whichever is greater.
2. Special Landscaping and Screening of Special Front and Corner Side Setbacks. Any front or corner side setback required pursuant to Paragraph 1 above shall be treated as a perimeter landscaped open space.
3. Special Landscaping and Screening from Residential Uses and Districts. Any side or rear lot line, and all lot lines of any industrial use, abutting a dwelling use or a residential district shall be buffered by a perimeter landscaped open space of at least five (5) feet in width along such lot line, which shall be sufficient to provide a total visual screen at least six (6) feet in height along the entire length of such line. Industrial uses abutting or across a right-of-way from any lot zoned for residential use shall, in addition to the other requirements provided in this Paragraph, be screened by an eight (8) foot fence (but not including chain link fences) located within the perimeter landscaped open space.
4. Additional Perimeter Open Space for Outdoor Activity Areas. Any area of permitted outdoor activity likely to produce visual or auditory disturbance or annoyance on any abutting residential lot whether or not located within the City shall be separated from said lot by a perimeter landscaped open space at least twenty (20) feet wide or by a buffer found by the Community Development Director to be reasonably sufficient to create a visual barrier, to absorb and diffuse noise, and to ensure the private enjoyment of said lot.
5. The provisions of this Subsection 9-107 F shall not apply to any use established prior to the effective date of this Code.

G. Enclosure of Uses Required. Except where otherwise expressly authorized by this Code, all permitted uses shall be conducted within a completely enclosed structure.

H. Roof Top Mechanical Equipment. Except for antennae mounted on roofs pursuant to the provisions of this Code, all mechanical equipment located on the roof of any building constructed after the effective date of this Code shall be fully screened by a parapet wall or

other screening structure constructed of materials compatible with the principal building façade to the height of such equipment.

I. Refuse Containers and Enclosures.

1. Screening. All refuse containers shall be enclosed by an enclosure clad brick, masonry, or a durable material approved by the Community Development Director. The material shall be constructed of the same materials as, or materials architecturally and aesthetically compatible with, the principal building to which it is accessory. The height sufficient to screen such containers from view from adjoining properties and public or private streets.
2. Location. No refuse containers shall be located between any principal structure and either its front or corner side lot line. Unless approved by the Community Development Director based on access for refuse collection.
3. Existing Refuse Containers. All existing enclosures requesting replacement will be required to come into compliance with the provisions of Section 9-107(I).
4. Exemptions. The requirements of Paragraph 1 hereof shall not apply to standard receptacles permitted for use by single family or two-family dwellings. None of the requirements of this Subsection shall apply to receptacles placed and maintained for use by the general public to avoid littering or to receptacles temporarily placed on construction sites for the purpose of collecting construction debris.

J. Outdoor Storage.

1. Screening. All areas permitted outdoor storage shall be enclosed by a screening fence (but not including chain link fences), wall or densely planted evergreen hedge of a height sufficient to screen such containers or storage areas from view from adjoining properties and public or private streets.
2. Location. No storage areas shall be located between any principal structure and either its front or corner side lot line.

K. Screening and Landscaping Within Sight Triangles. Notwithstanding any other provision of this Section, no landscaping, fencing or other screening shall be erected or maintained at a height in excess of two and one-half (2 ½) feet within the area of any sight triangle as defined in Subsection 12-206 of this Code.

L. Fences and Walls.

1. When located in a required setback, fences shall be installed with the finished side facing the neighboring property.
2. Barbed wire fencing shall not be used, except in the I1 – Industrial District where necessary for safety measures.
3. Except where a greater height is expressly authorized for screening purposes pursuant to this Section or when all fences and walls erected as a permitted

obstruction in any required setback shall be subject to the following height limitations in the table below:

<u>Location</u>	<u>Maximum Height of Fence</u>
<b>Neighborhood Residential Districts</b>	
The corner side yard of a lot, except when the fence is determined to negatively impact the safety or aesthetics of the streetscape	6 feet
The corner side yard of lot, safety and aesthetic impact	3 feet
All other yards when abutting a residential use	6 feet
All other yards when abutting a nonresidential use	8 feet
<b>All Other Districts</b>	
All other yards except front and corner yards	8 feet

## PART I-E BULK, SPACE, AND SETBACK REQUIREMENTS

### 9-108: BULK, SPACE, AND SETBACK

#### A. Exceptions and Explanatory Notes

1. Height of Alterations and Enlargements of Pre-Code Structures. See Section 10-104 of this Code for reduced height limits applicable to certain alterations and enlargements of pre-code structures.
2. Nonconforming Lots. See Section 10-105 of this Code for lot requirements with respect to nonconforming lots of record.
3. Clustering in Planned or Multi-Unit Developments. In planned or multi-unit developments, minimum lot size per unit requirements are intended only as a limit on overall development density and not as a requirement that each individual unit be placed on a lot of the specified size. In other words, units may be clustered together so long as sufficient common open space is provided within the development to meet the average minimum lot size requirement of the development taken as a whole.
4. Visibility Across Corners. Notwithstanding any other provision of this Code, nothing will be erected, placed, planted, allowed to grow or maintained on any corner lot in any residential district above a height of 2-1/2 feet from grade within the area of a Sight Triangle as defined in Section 12-206 S of this Code.
5. Transitional Setbacks in C1 and C2 Districts Abutting Residential Districts. Notwithstanding any other provisions of this Section, the following shall be setback from the nearest residential property line a distance equal to at least 40 feet.
6. Specified Structures and Uses in Required Setbacks. The following structures and uses, except as limited below, may be located in any required setback:
  - (a) Accessory uses, subject to the limitations of Section 9-101.
  - (b) Statuary, arbors, trellises and ornamental light standards having a height of ten feet or less.
  - (c) Awnings, canopies, eaves and gutters projecting not more than three feet from an exterior wall.
  - (d) Bay windows and balconies projecting not more than three feet from an exterior wall for a distance not more than 1/3 of the length of such wall; provided that such projections shall come entirely within planes drawn from the main corners of the building at an interior angle of 22-1/2 degrees with the wall in question.
  - (e) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices and the like projecting not more than two feet from an exterior wall.

- (f) Outside stairways projecting from an exterior wall not more than three feet and having a height of four feet or less.
  - (g) Flagpoles.
  - (h) Non-mechanical laundry drying equipment, except in front yards.
  - (i) Off-street parking and loading of vehicles, but only as expressly authorized and regulated in Sections 9-101, 9-104 and 9-105 of this Code.
  - (j) Terraces.
  - (k) Recreational devices, except in front setbacks.
  - (l) Fences, walls, and hedges, subject to the limitations of Section 9-107 of this Code.
  - (m) Decks of three feet or less in height.
  - (n) No more than one (1) basketball backboard and related support structure per zoning lot or separately owned lot containing a single dwelling unit may be located in a required setback. Basketball backboards and support structures in front yards shall only be installed adjacent to permitted driveways.
  - (o) Air conditioning equipment and back-up electrical generators, except in front yards, with screening from public views.
7. Front and Corner Side Setback Adjustment. If a lot is not subject to any platted building line or other private agreement, covenant, or relationship establishing a setback, or building line, or is subject to such a building line or other requirement that is less than the required front setback or corner side setback in the district, then the front setback or corner side setback, as the case may be, shall be determined as follows:
- (a) Interior Lots. For any interior lot, the front setback for that lot shall be determined by taking the average of the front setbacks of the buildings on two adjoining lots on each side of the lot that are located within the same frontage and district; provided, however, that for any interior lot that has only one lot on any side that is within the same frontage and district, the front setback shall be determined by taking the average of the setbacks of the buildings on up to three adjoining lots, if available within the same frontage and district, on one side and one lot on the other side.
  - (b) Corner Lots. For any corner lot, the front setback and corner side setback for that lot shall each be determined by taking the average of the setbacks of the buildings on four adjoining lots that are located within the same frontage and district as the affected front setback and corner side setback, respectively; provided, however, that for any corner lot that has less than four adjoining lots within the frontage and the district in which either its front setback or corner side setback is located, the front setback or corner side setback, as

applicable, shall be determined by taking the average of the setbacks of the buildings on the adjoining lots within the applicable frontage and district.

- (c) General Rules for Calculating Average Setback. All average setbacks calculated under this Paragraph shall be subject to the following rules:
- (i) When any lot used to calculate an average front setback or corner side setback is subject to a platted building line, or other established minimum building setback established by private agreement, covenant, or relationship, as the case may be, in the applicable setback that is: (i) equal to or greater than the required front setback or corner side setback in the district, then the platted building line, or other established minimum building setback established by private agreement, covenant, or relationship, as the case may be, shall be used; (ii) less than the required front setback or corner side setback in the district, then the required front setback or corner side setback, as the case may be, shall be used.
  - (ii) When any lot used to calculate an average front setback or corner side setback is not subject to a platted building line, or other established minimum building setback established by private agreement, covenant, or relationship, as the case may be, but is improved with a building that is: (i) located within the required front setback or corner side setback for the district, then the required front setback or corner side setback, as the case may be, shall be used; (ii) located outside the required front setback or corner side setback for the district, then the setback of the building shall be used.
  - (iii) When any unimproved lot used to calculate an average front setback or corner side setback is not subject to a platted building line, or other established minimum building setback established by private agreement, covenant, or relationship, as the case may be, the required front setback or corner side setback for that district shall be used.
  - (iv) When any building or structure on any lot used to calculate an average front setback or corner side setback has received a variation to allow for a front setback or corner side setback, as the case may be, that is less than the front setback or corner side setback required in the district, then the minimum required front setback or corner side setback, as the case may be, of the applicable district shall be used rather than the setback allowed pursuant to such variation.
  - (v) In no event shall the average front setback or corner side setback established under this Paragraph be less than the applicable setback requirement for the district in which the lot is located.

8. Platted Building and Setback Lines. See Subsection 12-101 F of this Code.

9. Height Exceptions. Structures housing Assembly Uses may extend to a height of 55 feet and may include spires and minarets that extend to a height of 70 feet.

10. No Application to Existing Structures. These standard parts apply only to structures erected after the effective date of this Code. A structure erected prior to the effective date of this Code shall not be considered to be a non-conformity by reason of its failure to comply with these standards, but shall be allowed to continue on its existing zoning lot or any expansion thereof zoned or rezoned for Institutional Buildings use. Provided, however, that no such structure, other than houses of worship of religious organizations, shall be expanded in violation of the minimum setback standards.
11. Increased Height in Areas Remote from Neighborhood Residential Districts in Open Space Districts and Institutional Building Districts. Maximum height may be increased one additional foot, up to a maximum of 10 additional feet, for every five feet by which the setback of the portion of the building in question from the nearest Neighborhood Residential District exceeds the setback required in Open Space or Institutional Building Districts as specified in Appendix B.
12. Setback Requirements for Uses Without Structures. Park, playground, and other recreational uses conducted on lots less than 30,000 square feet in area no setbacks shall be required.
13. Special Setback Requirements for Recreational Devices. Except for recreational devices on lots less than 30,000 square feet in area for which no setbacks shall be required, the front and corner side setback requirements for recreational devices shall be 20 feet.
14. Special Height Standards for Lights Accessory to Public Recreational Facilities. Light poles and fixtures accessory to public recreational facilities shall be allowed to exceed the OS District height limits as follows:
  - (a) Light poles and fixtures, up to a maximum height of 60 feet, shall be a permitted accessory structure.
  - (b) The provisions of Paragraph 8-309 D1 shall not be applicable in determining the maximum height of a light pole and fixture.
  - (c) Light poles and fixtures in excess of 60 feet may be approved by a special permit issued pursuant to Section 11-602 of this Code.
  - (d) All such light poles and fixtures shall otherwise comply with the applicable illumination standards of this Code.
  - (e) Light poles and fixtures shall satisfy the setback requirements for the OS District established in Section 8-308.

Light poles and fixtures shall be equipped with features to reduce glare and light spill on adjoining properties, performing at standards greater than or equivalent to the MUSCO Level 8 lighting system.

## PART II- SUPPLEMENTAL REGULATIONS FOR PARTICULAR USES

### PART II-A PERSONAL WIRELESS SERVICES

#### 9-201: TOWERS, ANTENNAS, AND EQUIPMENT

- A. Authorization. Subject to the limitations of this Section 9-201, all uses and structures are subject to the following standards, regulations, and requirements at all times in those zoning districts in which they are permitted or special permit uses.
- B. Location. Personal wireless services antennas shall be located on lawfully pre-existing antenna support structures or other lawfully pre-existing buildings or structures wherever possible. No special use permits authorizing construction of a new antenna support structure or addition to or expansion of an existing antenna support structure or existing building or structure shall be authorized unless the applicant is able to demonstrate that no lawfully pre-existing antenna support structure or lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services.
- C. Design of New Antenna Support Structures for Co-Location. Unless otherwise authorized by the City Council for good cause shown every new personal wireless services antenna support structure of a tower design shall be designed, constructed and installed to be of a sufficient size and capacity to allow the location of additional personal wireless services antennas to accommodate at least one additional personal wireless service provider on such structure in the future. Any special permit for such a support structure may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless service providers on commercially reasonable terms specified in such special permit.
- D. Tower Design. Every new personal wireless services antenna support structure that is of a tower design shall:
1. Be a monopole rather than latticework, unless otherwise authorized by the City Council for good cause shown;
  2. Not be illuminated or have any signs installed thereon unless otherwise required by federal law or regulations; and
  3. Be separated from any principal building by a distance that is not less than 110 percent of the height of the tower. For the purposes of this requirement, this distance shall be measured horizontally from the center of the base of the supporting structure of the tower to the point where the ground meets a vertical wall of such principal building.

Any deck on such a tower shall be centered on the tower and the radius from the center of the tower to the outside of the deck shall not exceed six feet. Each side of the deck shall not exceed six feet vertically.

E. Antennas on Buildings. Antennas that are installed are to conform with one of the following:

1. Such antennas shall be located only on a lawfully pre-existing building and shall not exceed the following dimensions:
  - (a) Omni-directional or whip antennas shall not exceed six (6) inches in diameter and twelve (12) feet vertically; and
  - (b) Directional or panel antennas shall not exceed three (3) feet horizontally and six (6) feet vertically;

or

2. Such antennas and any necessary antenna support structure are fully enclosed or shielded from view from any point located off the zoning lot on which they are located by a structure otherwise permitted on the zoning lot and all electronic equipment is fully enclosed in a structure otherwise permitted on the zoning lot.

All such antennas shall not exceed the maximum height authorized by applicable zoning district regulations, and shall not extend above the highest point of the building or structure to which they are attached or more than two (2) feet from the exterior of any wall or roof of the building to which they are attached. In no event shall a total or more than six (6) antennas of the types and sizes described in Paragraph 1 of this Subsection be located on any building in the C-3 District.

F. Color. Every personal wireless services antenna and antenna support structure shall be neutral colors that are harmonious with, and that blend with, the natural features, buildings and structures surrounding such antenna and antenna support structures; provided, however, that directional or panel antennas and omnidirectional or whip antennas located on the exterior of a building that will also serve as an antenna support structure shall be of colors that match, and cause the antenna to blend with, the exterior of the building.

G. Landscaping and Fencing. In addition to any other applicable requirements of Section 9-107 of this Code, all ground-mounted antennas, antenna support structures, related electronic equipment and equipment enclosures shall be subject to the following:

1. In order to minimize the visibility of such facilities, a natural screen or fence shall be erected if not already provided, so as to provide the maximum reasonable achievable screening as determined by the Community Development Director.
2. Any natural screen shall be a minimum of six (6) feet in height when planted, with dense plantings spaced no more than two (2) feet apart.
3. Any fence shall be a minimum of four feet in height, except where fence height is otherwise limited by Section 9-107 of this Code, and shall be of a style of construction that provides a visual shield of the facilities.

- H. Protection Against Climbing. Every personal wireless services antenna and antenna support structure shall be protected against unauthorized climbing or other access by the public.
- I. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services antenna shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure. Any free-standing structure that is not attached to or within an existing building or located completely below grade shall not exceed a maximum height of fifteen (15) feet.
- J. Licenses and Permits. The operator of every personal wireless services antenna shall maintain all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna. In addition, any such operator shall provide copies of such licenses and permits and provide evidence of renewal or extension thereof, when requested by the Community Development Director.
- K. Compliance with Plans. Every personal wireless services antenna and antenna support structure shall comply with all plans approved by the City.
- L. Limited to Applicant. Every ordinance granting approval of a special permit for a personal wireless services antenna or antenna support structure shall state that any assignment or transfer of the special permit or any of the rights thereunder may be made only with the approval of the City Council.
- M. Term Limitation. Every ordinance granting approval of a special permit for a personal wireless services antenna or antenna support structure may provide that:
1. where the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the term of the special permit is limited to the term of the lease or other agreement granting rights to use the land; and
  2. the special permit shall be subject to review by the City Council, at ten-year intervals, to determine whether the technology in the provision of personal wireless services has changed such that the necessity for the special permit at the time of its approval has been eliminated or modified, and whether the special permit should be modified or terminated as a result of any such change.

- N. Abandonment and Removal. When one or more antennas, an antenna support structure, or related equipment are not operated for the provision of personal wireless services for a continuous period of twelve (12) months or more, such antenna, antenna support structure, or related equipment may be deemed to be abandoned by the City. The owner of such an antenna, antenna support structure, or related equipment shall remove such items within ninety (90) days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt required, by the City to such owner at the last known address of such owner. If two or more providers of personal wireless services use the antenna support structure or related equipment to provide personal wireless services, then the period of non-use under this provision shall be measured from the cessation of operation at the location of such antenna support structure or related equipment by all such providers.

## PART II-B AUTOMOBILE DEALERSHIPS (NEW & USED)

### 9-202: AUTOMOBILE DEALERSHIPS REGULATIONS

- A. Authorization. Subject to the limitations of this Section 9-202, all uses and structures are subject to the following standards, regulations, and requirements at all times in those zoning districts in which they are permitted or special permit uses.
- B. Location. Automobile dealerships shall be located on a zoning lot with a minimum lot frontage of 160 feet and a minimum lot area of one (1) acre, or 43,560 square feet. No special use permits authorizing construction of an automobile dealership, the addition to or expansion of an existing automobile dealership, or renovation of an existing structure to be used as an automobile dealership, shall be authorized unless the applicant is able to demonstrate compliance with the minimum area requirement of this paragraph and of the remaining requirements of this Section 9-202, on commercially reasonable terms, and sufficient for the location of an automobile dealership (new or used) for the provision of automobile sales. Additionally, automobile dealerships shall not be located on either side of Cicero Avenue as bound by 155<sup>th</sup> Street, to include the first zoning lots on either side of Cicero Avenue directly north of said street, and the centerline of 160<sup>th</sup> Street to the south.
- C. Design of Outdoor Storage of Automobile Inventory. Unless otherwise authorized by the City Council for good cause, every automobile dealership shall be designed, constructed and maintained to be of a sufficient size and capacity to allow the placement of automobiles in an organized manner that accommodates adequate circulation and provides for a reasonable amount of inventory on the zoning lot, subject to the requirements stated in Paragraph 9-202(D).
- D. Landscaping. Every automobile dealership shall comply with the following landscaping requirements, in addition to any other applicable requirements of Section 9-107 of this Code that these design standards do not otherwise govern. These standards shall take precedence over any other such requirements of this Code that would otherwise apply.
1. *Parking lot buffering.* All parking lot buffering shall be located between the edges of the parking lot and the property line. Landscape materials shall be installed directly along the edge of the parking lot as deemed appropriate by the Community Development Director.
  2.
    - (a) *For properties along 159<sup>th</sup> Street.* Along front and corner side setbacks, the distance between the interior edge of the sidewalk and edge of the parking lot shall be no less than ten (10) feet. The area designated for the screening shall be no less than four (4) feet in width. The remainder of the area between the interior edge of the sidewalk and edge of the parking lot shall be landscaped with sodded lawn. Where contextually appropriate, the corner side setback parking lot buffering may be reduced to that as required in Subparagraph 9-202(E)(1)(b) of this Section, at the discretion of the Community Development Director.

(b) *For properties along Cicero Avenue.* Along front and corner side setbacks, the distance between the interior edge of the sidewalk and edge of the parking lot shall be no less than four (4) feet and shall be designated for landscape screening materials. Parking bollards shall be installed in accordance of the requirements of this section.

3. *Interior parking lot landscaping.* Every automobile dealership containing fifteen (15) or more parking spaces shall contain at least one (1) tree, of at least three (3) inches or greater in diameter, for each ten (10) spaces provided. This number of parking spaces shall consist of the total number of spaces provided for employee and customer parking and the total number of spaces provided for automobile inventory. A minimum of fifty (50) percent of the required trees, or an amount lesser than as deemed reasonable by the Community Development Director and as conditioned upon approval of the special use permit, shall be located in landscaped islands within the interior of the paved parking lot.

E. Other Standards. In general, automobile dealerships (new and used) shall be designed to accommodate adequate facilities for storm water management, including landscaping, permeable materials, and other infrastructure as deemed necessary by the Community Development Director. Any and all other improvements and their applicable plans shall be submitted for review as deemed necessary by the Community Development Director prior to a public hearing being scheduled.

F. Licenses and Permits. The operator of every automobile dealership shall maintain all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the dealership. In addition, any such operator shall provide copies of such licenses and permits and provide evidence of renewal or extension thereof, when requested by the Community Development Director.

G. Compliance with Plans. Every automobile dealership shall comply with all plans approved by the City.

H. Compliance with Laws. Every automobile dealership shall comply with this Section, and all applicable federal, state, and local laws.

I. Affidavit of Compliance with Conditions. Whenever any automobile dealership (new or used) is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon initially meeting such conditions, file an affidavit with the Community Development Director so stating and shall file such affidavit biannually. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Community Development Director, to recover the City's actual direct cost of an inspection to verify that such conditions and limitations have been met.

J. Term Limitation. Every ordinance granting approval of a special permit for an automobile dealership provide that where the city determines the owner or operator of the automobile dealership is not in full compliance with this section and with any and all conditions required at the time of special use permit approval, the lack of compliance shall be ground for revocation of the special use permit in accordance with paragraph 11-702(d) of this code.

## PART II-C COMMUNITY RESIDENCES

### 9-203: COMMUNITY RESIDENCES REGULATIONS

- A. Has no more than six residents; provided more than six residents are permissible subject to compliance with the following occupancy standards:
1. Each single bedroom used for a resident shall have at least seventy square feet of usable net floor area, not including any space taken up for closets, wardrobes, bathrooms and clearly definable entryway areas.
  2. Each bedroom used for multiple residents shall have for each resident housed in the room at least fifty square feet of usable floor area. Usable area does not include any space utilized for closets, wardrobes, bathrooms and clearly identifiable entryway area.
  3. Indoor common area shall be provided on the basis of a minimum of fifteen square feet per resident.
- B. Is registered with the City Administrator. The name and telephone number of at least one person having direct responsibility for the operation of the facility must be kept on file with the City Administrator and must be listed in any paper or electronic Oak Forest telephone directory under the name of the facility

Shall be located in a dwelling of the type permitted in the district where the facility is located and comply with the applicable provisions of the residential safety and building codes of the City of Oak Forest.

## PART II-D CHILD DAY CARE SERVICES

### 9-204: CHILD DAY CARE SERVICES REGULATIONS

- A. Required Approvals. No child day care service will be established without the prior licensing, certification or other approval of every public agency charged with the regulation or supervision of any facet of the activity of the proposed service. Every application for a child day care service must set forth each agency that must approve the establishment or operation of the service and be accompanied by a formal acknowledgment of approval from each agency. In the event any approval has been delayed, the application must set forth the status of each application, and state any facts known to the applicant that might have contributed to the delay of any required approval that has not been obtained as of the time of the filing of the application

At the end of every six month period following the effective date of a permit for child day care services, the permittee must submit to the City evidence of all required inspections by the State of Illinois or other agencies with jurisdiction within the preceding six month period.

- B. Structure Type. Every child day care service must be located in a building of the type permitted or specially permitted in the district where the facility is located. The type of construction must be in compliance with the City building code.
- C. Supervision. Every child day care service must provide qualified supervisory personnel in sufficient numbers to assure the safety, well-being and appropriate behavior of all children enrolled in the service. The special permit if required may establish minimum supervision requirements.
- D. Outdoor Play Area. Unless waived by the City Council based on evidence of staggered use by all enrolled children, every child day care service must provide at least 75 square feet of open space per child, exclusive of any open space located in a required front setback, which must be completely enclosed by a fence or other suitable barrier sufficient to prevent children access to neighboring properties, vehicular traffic, and other hazards. A fence or barrier previously erected by a neighboring property owner will not be relied upon to satisfy this requirement unless a written agreement of such owner authorizing the use is filed with the City Administrator.
- E. Recreational Devices. No recreational device can be located within 20 feet of any abutting residential property.
- F. Financial Stability. No permit for a child day care service will be granted unless the applicant establishes, to the satisfaction of the City Council, that there exists a reasonably certain source of continuous and sufficient funds to provide for the operation and maintenance of the facility in accordance with the representations of the application and the various standards applicable to such facility by reason of this Code and other laws and regulations.

## PART II-E NURSING AND PERSONAL CARE FACILITIES

### 9-205: NURSING AND PERSONAL CARE FACILITIES REGULATIONS

- A. Supervision. Every nursing or personal care facility shall provide qualified and experienced supervisory personnel in sufficient numbers and during sufficient and appropriate hours of the day, to meet all standards of any agency responsible for the licensing or regulation of the nursing or personal care facility and such additional services as may be required by the City Council. The special permit if required may specifically establish minimum standards for supervision. The name and telephone number of at least one person having direct responsibility for the operation of the facility shall be kept on file with the City Administrator and shall be listed in the Oak Forest telephone directory under the name of the facility.
- B. Availability of Facilities. Every nursing and personal care facility shall be provided with, or have ready access to, facilities and services necessary and appropriate to the needs of its residents for active and passive recreation; medical care; educational, cultural and religious activities; consumer goods and services; and public transportation.
- C. Required Approvals. No permit for a nursing or personal care facility shall be granted unless the applicant therefore shall first present proof of licensing, certification or other approval of every public agency charged with the regulation or supervision of any facet of the activity of the proposed facility. Every application for a nursing or personal care facility shall set forth each agency that must approve the establishment or operation of the facility and shall be accompanied by a formal acknowledgment of approval from each such agency. In the event any such approval has been delayed, the application shall set forth the status of each such application, and shall state any facts known to the applicant that might have contributed to the delay of any required approval that has been obtained as of the time of the filing of the application.
- D. Financial Stability. No permit for a nursing or personal care facility shall be granted unless the applicant therefore shall establish, to the satisfaction of the City Council, that there exists a reasonably certain source of continuous and sufficient funds to provide for the operation and maintenance of such facility in accordance with the representations of the application and various standards applicable to such facility by reason of this Code and other laws and regulations.

## PART II-F SENIOR CITIZEN HOUSING

### 9-206: SENIOR CITIZEN HOUSING REGULATIONS

- A. Special Design Requirements. Every senior citizen housing dwelling shall be so designed and constructed as to be convertible to a dwelling allowed as a permitted use in the district in which the senior citizen housing is located. This requirement shall not be satisfied by a design for conversion to a nursing or personal care facility.
- B. Community Need. No permit for senior citizen housing shall be granted except on evidence satisfactory to the City Council that there is, and will for the foreseeable future continue to be, a ready market demand among current area residents for all of the dwelling units in the senior citizen housing development.
- C. Location. Every senior citizen housing development shall be located in an area of the City that is conducive to the special needs of senior citizens. This will typically require a location with convenient access to public transportation, retail stores and medical services.
- D. Facilities and Staff. Every senior citizen housing development shall provide such on-site facilities and staff as may be necessary and appropriate to satisfy the social, cultural, recreational and, where appropriate, medical needs of its residents. The name and telephone number of at least one person having direct responsibility for the operation of the development shall be kept on file with the City Administrator and shall be listed in the Oak Forest telephone directory under the name of the development.
- E. Required Approvals. No senior citizen housing development shall be established without the prior licensing, certification or other approval of every public agency charged with the regulation or supervision of any facet of the activity of the proposed facility. Every application for a senior citizen housing development shall set forth each agency that must approve the establishment or operation of the facility and shall be accompanied by a formal acknowledgment of approval from each such agency. In the event any such approval has been delayed, the application shall set forth the status of each such application, and shall state any facts known to the applicant that might have contributed to the delay of any required approval that has not been obtained as of the time of the filing of the application.
- F. Financial Stability. No permit for a senior citizen housing development shall be granted unless the applicant therefore shall establish, to the satisfaction of the City Council, that there exists a reasonably certain source of continuous and sufficient funds to provide for the operation and maintenance of such facility in accordance with the representations of the application and the various standards applicable to such facility by reason of this Code and other laws and regulations.
- G. Annual Report. The owner of every senior citizen housing development shall annually file a report with the City Administrator not later than 60 days following the close of the development's fiscal year demonstrating the development's compliance with the foregoing standards and with this Code's definition of Senior Citizen Housing.

## PART II-G OUTDOOR PATIO

### 9-207: OUTDOOR PATIO REGULATIONS

- A. Pedestrian Traffic. The location of all outdoor patios shall ensure the maintenance of adequate pedestrian circulation in and around the outdoor patios.
- B. Emergency Egress. Emergency egress gates shall be provided for all outdoor patios and shall be of a type and in locations approved in advance by the City Fire Chief.
- C. General Health Standards. All outdoor patios and related service stations shall be maintained and kept in a clean, neat, and safe condition at all times and shall at all times comply with applicable City and Cook County Health Department requirements, standards, and regulations. All containers, including specifically, but without limitation, ice bins, beverage dispensers, and condiment jars, shall be covered or lidded when not in use. Perishable condiments shall not be stored at any time in the outdoor eating area, and when not in use shall be taken directly from the outdoor tables to the principal indoor eating place.
- D. Restaurant Service. Restaurant service for any outdoor patios shall be provided using the same china, tableware, and cloth napkins as are used in the principal indoor eating place unless the restaurant presents other food service items approved by the Community Development Director.
- E. Trash and Laundry Handling. All trash containers shall be lidded at all times. Soiled linens, tablecloths, and napkins shall not be stored at any time in the outdoor eating area, but shall be taken immediately from the outdoor eating area to the principal indoor eating place.
- F. Minimum Setback Required. The location of any outdoor seating area shall comply with all applicable setback requirements for accessory uses and structures.
- G. Additional Regulations. In addition to the specific regulations set forth in this Subsection, outdoor patios shall be subject to such additional regulations as the City Council may deem necessary, including specifically, but without limitation, regulations regarding (i) the number and size of tables and seats, (ii) the duration and hours of operation, (iii) security for and removal of equipment, (iv) signage, (v) landscaping and pedestrian amenities, (vi) lighting, (vii) trash and refuse collection and location; and (viii) the materials, construction, cleaning, and maintenance of any awnings or other protective coverings. Additional regulations imposed pursuant to this Paragraph shall be specified in the resolution approving the outdoor eating area.”

## **PART III–A SEXUALLY ORIENTED USES**

### **9-301: PURPOSE AND INTENT**

The purpose of this Chapter is to establish reasonable and uniform regulations to minimize and control the negative secondary effects of sexually oriented businesses within the municipality in order to promote the health, safety, and welfare of the citizens of the municipality. The provisions of this Chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials or communication, including sexually oriented entertainment. Similarly, it is not the purpose nor effect of this Chapter to restrict or deny access by adults to sexually oriented entertainment protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Furthermore, it is not the intent or effect of this Chapter to condone or legitimize the distribution or exhibition of entertainment that is obscene.

### **9-303: SPECIAL USE**

In interpreting the permitted and special use designations, reference should be made to the North American Industry Classification System, as amended by the City (see Appendix A) and Section 11-501 of this Code.

### **9-305: RESTRICTIONS ON USE**

All sexually oriented businesses shall be conducted entirely within a fully enclosed business. No sexually oriented business shall be operated in any manner that permits the observation from outside the building of any image, material or entertainment depicting or describing excretory functions, specified sexual activities or specified anatomical areas or any person in a state of nudity or semi-nudity, whether by display, decoration, sign, window or any other means.

### **9-307: OTHER REGULATIONS**

The restrictions set forth in this Chapter shall supersede any other restrictions found in other ordinances or other sections of any ordinance as applied to sexually oriented businesses, if the terms of the restrictions are in conflict.

## **PART III-B MASSAGE ESTABLISHMENTS**

### **9-309: PURPOSE AND INTENT**

The City has not in the past been a primary location of several massage establishments, investigations have consistently found that the overwhelming majority of massage establishments are legitimate businesses, serving the needs of residents and clients from surrounding communities. However, from time to time, businesses have opened purporting to be massage establishments, only to be found later to be illicit operations that harm the public health, safety, and welfare, as well as casting a negative image for legitimate massage establishment businesses. Therefore, the purpose of Part III B is to ensure that massage establishments are operated in a manner conducive to the public health, safety, and welfare, and to protect and promote the business image of reputable massage therapy establishments.

### **9-310: MASSAGE ESTABLISHMENTS: ACCESSORY USES**

From and after the effective date of this Ordinance, massage establishments shall only be permitted as a special accessory use to a principal use in the following zoning districts: C1, C2 C3 Districts and O1 District.

### **9-311: APPLICATION REQUIREMENTS**

Any person seeking to obtain approval under this Chapter to operate an accessory massage establishment must, in addition to the application and supporting materials filed with the city business office for a business license, provide the following minimum information:

- A. Written authorization from principal business operator to apply for approval to operate an accessory massage establishment;
- B. Sketch plan of proposed massage establishment depicting, among other things:
  - 1. Number of massage therapy rooms or beds;
  - 2. Reception and waiting area;
  - 3. Bathroom facilities, if different from principal use; and
  - 4. Dimensions of space devoted to massage establishment, including (i) total square footage of such space, and (ii) certification that such space does not exceed 25% of the total gross floor area of the principal business, and
- C. Term of any lease or other occupancy arrangement with principal use operator.

### **9-312: BULK REGULATIONS**

No massage establishment, including, without limitation, any reception area, waiting area, office area, and bathroom, shall occupy more than 25% of the gross floor area of the principal use.

### **9-313: SPECIAL NON-CONFORMING USE PROVISIONS**

- A. Any lawfully existing massage establishment operating as a standalone business on the effective date of this ordinance may be continued so long as it remains otherwise lawful, subject to the regulations set forth in Subsection B below.
- B. No lawfully existing massage establishment operating as a standalone business on the effective date of this Ordinance shall be permitted to:
  - 1. Extend such use, including its accessory uses, to any structure or land area other than that occupied by such use on the effective date of this Ordinance or any amendment that causes such use to become nonconforming;
  - 2. Extend such use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Code or any amendment that causes such use to become nonconforming; and
  - 3. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Code, or any amendment that causes such use to become nonconforming.

## ARTICLE X. NONCONFORMITIES

### 10-101: PURPOSE.

- A. This Article regulates and limits the continued existence of uses, structures, including pre-code structures in Section 10-104, lots and signs established prior to the effective date of this Code that do not conform to the regulations of this Code applicable in the zoning districts in which such uses, structures, lots and signs are located.

The zoning districts established by this Code are designed to guide the future use of land within the City by encouraging the development or maintenance of desirable residential, commercial, office and industrial areas with appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such districts are established and thus the gradual elimination of such nonconformities is generally desirable.

- B. General Scope and Scheme of Regulation. Separate restrictions are established for nonconforming uses of land and nonconforming uses of structures designed for a permitted use, nonconforming uses of structures not designed for a permitted use, nonconforming “pre-code” structures, nonconforming lots of record, and nonconforming signs. The degree of restriction made applicable to each category of nonconformity is generally related to the degree of incompatibility with permitted uses and the amount of investment typically associated with nonconformities of that type. Pursuant to Section 11-503 of this Code, provision is made for relief from some of the restrictions of this Article where practical difficulties exist.

In the cases of nonconforming uses of land, nonconforming uses in structures designed for a permitted use and nonconforming signs, the degree of incapability is frequently great, the investment is comparatively small and the economic life is short. In these cases, elimination of the nonconformity is required after a relatively short, but reasonable, amortization period. In the case of nonconforming uses in structures not designed for any conforming use, the degree of incompatibility is also frequently great, but so too is the investment and economic life of the structure.

In such cases, while eventual elimination is required, a more extended period is allowed in which to amortize the investment. While the regulations of this Article allow such nonconformities to continue without specific limitation of time, they restrict further investment that would make more permanent their location in inappropriate districts.

- C. Exception for Repairs Pursuant to Public Order. Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this Article prohibiting the repair or restoration of partially damaged or destroyed structures or signs.

D. Nonconforming Accessory Uses and Structures. No use, structure or sign that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have been terminated, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

E. Inventories and Certificates of Nonconformity.

1. Burden of Owner to Establish Legality of Nonconformity Burden of Owner to Establish Legality of Nonconformity. The burden of establishing that any nonconformity is lawfully existing under the provisions of this Article shall, in all cases, be upon the owner of such nonconformity and not upon the City.

2. Certificate of Occupancy for Legal Nonconformities. The owner, or any person receiving notice, of any nonconforming use, structure, lot or sign may at any time apply to the Community Development Director for a Certificate of Occupancy to confirm the legality of such nonconformity as of a specified date. Such application shall be filed and processed pursuant to the provisions of Section 11-402 of this Code.

Any person receiving a notice of a nonconforming use or sign pursuant to Paragraph E2 above shall be required, within sixty (60) days of the receipt of such notice, to apply to the Community Development Director for such a Certificate of Occupancy with respect to the nonconformity identified in said notice. Unless an appeal from the determination of the Community Development Director contained in said notice has been filed, such application shall be accompanied by an affidavit admitting such determination. Such affidavit shall be kept on file by the Community Development Director and shall be a matter of public record.

If, upon reviewing an application for a Certificate of Occupancy for a nonconformity, the Community Development Director shall determine that the use, structure, lot or sign in question was lawfully existing at the time of the adoption of the provision creating the nonconformity in question, and remains lawful existing subject only to such nonconformity at the time of such application, and that any required affidavit is in order, the Community Development Director shall issue a Certificate of Occupancy evidencing such facts and setting forth the nature and extent of the nonconformity and the date, if any, upon which such nonconformity is required to be terminated; otherwise, the Community Development Director shall decline to issue such Certificate and shall declare such building, structure, lot or sign to be in violation of this Code.

#### **10-102: NONCONFORMING USES OF LAND AND NONCONFORMING USES IN STRUCTURES DESIGNED FOR A PERMITTED USE**

A. Authority to Continue. Except as provided in Subsection 1 of this Section, any lawfully existing nonconforming use not involving the use of a structure or involving only a structure that is accessory to a nonconforming use of land or located in a structure designed for a use permitted in the district in which it is located may be continued so long as it remains otherwise lawful, subject to the regulations contained in Subsections B through H of this Section, and in Subsections D and E of Section 10-101.

- B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is accessory to a nonconforming use of land or that is designed for a permitted use but devoted in whole or in part to a nonconforming use; provided, however, that this Subsection shall not be deemed to authorize any violation of Subsections C through I of this Section.
- C. Structural Alteration. No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be structurally altered unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located. No such alteration shall create a new parking, loading, bulk, setback or space nonconformity or increase the degree of any existing parking, loading, bulk, setback or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased, the provisions of Paragraph 9-104 B(1) and 9-105B(1) shall control.
- D. Enlargement of Structure. No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner, including the interior addition of floor area, unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located. No such enlargement shall create any new parking, loading, bulk, setback or space nonconformity or increase the degree of any existing parking, loading, bulk, setback or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased, the provisions of paragraphs 9-104 B(1) and 9-105 B(1) shall control.
- E. Extension of Use. A nonconforming use of land or of a structure that is accessory to a nonconforming use of land or a nonconforming use in a structure designed for a permitted use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:
1. An extension of such use, including its accessory uses, to any structure or land area other than that occupied by such nonconforming use on the effective date of this Code or any amendment hereto that causes such use to become nonconforming.
  2. An extension of such use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Code or any amendment thereto that causes such use to become nonconforming; and
  3. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Code, or any amendment hereto that causes such use to become nonconforming.
- F. Moving. No structure that is accessory to a nonconforming use of the land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other location on the

same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

- G. Change in Use. A nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land, or a nonconforming use in a structure designed for a use permitted in the district in which it is located, shall not be changed to any use other than a use permitted in the zoning district in which the use or structure is located. When such a nonconforming use has been changed to a permitted use, it shall not thereafter be changed back to any non-permitted use. For purposes of this Subsection G, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use shall have commenced and continued for a period of five (5) days. Any change of use in violation of this Subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use.
- H. Damage or Destruction. Any structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use and that is damaged or destroyed, by any means, to the extent of more than 25 percent (25%) of the cost of replacement of such structure new shall not be restored unless the use of such structure shall thereafter conform to the use regulations of the zoning district in which it is located and unless such restoration is accomplished without creating any new parking, loading, bulk, setback or space nonconformity or increasing the degree of any parking, loading, bulk, setback or space nonconformity existing prior to such damage or destruction. In determining whether a parking or loading nonconformity has been created or increased the provisions of Paragraphs 9-104 B(1) and 9-105B(2) shall control.

Where any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent 25 percent (25%) or less of the cost of replacement of the current assessed value of the structure new, repair or restoration of such structure may be made; provided, however, that no repairs or restorations shall be made that would create any new parking, loading, bulk, setback or space nonconformity or increase the degree of any parking, loading, bulk setback or space nonconformity existing prior to such damage or destruction, nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless a Certificate of Zoning Compliance is obtained and restoration is actually begun within one (1) year after the date of such partial damage or destruction and is diligently pursued to completion.

In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with Subsections B, C and D of this Section.

- I. Termination of Certain Uses.
1. Termination by Abandonment. When a nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land, or when a nonconforming use of a part or all of a structure that was designed

for a use that is permitted in the zoning district in which such structure is located, is discontinued or abandoned for a period of three consecutive months, regardless of intent to resume or not to abandon such use, such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such land or structure is located.

Any period of such discontinuance caused by government action, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Paragraph.

2. Termination of Amortization. Any nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land, or any nonconforming use in a structure located in any residential district and designed for a use permitted in that district that has not been terminated pursuant to any other provision of this Code shall be terminated no later than five (5) years after the effective date of this Code.

#### **10-103: NONCONFORMING USES IN STRUCTURES NOT DESIGNED FOR A PERMITTED USE.**

- A. Authority to Continue. Except as provided in Subsection I of this Section, any lawfully existing nonconforming use located in a structure not designed or intended for any use permitted in the district in which it is located may be continued so long as it remains otherwise lawful, subject to the regulations contained in Subsections B through H of this Section and in Subsections D and E of Section 10-101.
- B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located; provider, however, that this Subsection shall not be deemed to authority any violation of Subsections C through I of this Section.
- C. Structural Alteration. No structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located shall be structurally altered unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. No such alteration shall create a new parking, loading, bulk, setback or space nonconformity nor increase the degree of any existing parking, loading, bulk, setback or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased the provision of Paragraphs 9-104 B(1) and 9-105 B(1) shall control.
- D. Enlargement of Structure. No structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the distinct in which such structure is located shall be enlarged or added to in any manner, including the interior addition of floor area, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the district in which it is located. No such alteration shall

create a new parking, loading, bulk, setback or space nonconformity or increase the degree of any existing parking, loading, bulk, setback or space nonconformity of such structure. In determining whether parking or loading nonconformity has been created or increased, the provisions of Paragraphs 9-104 B(1) and 9-105 B(1) shall control.

E. Extension of Use.

1. Prohibited Extensions. A nonconforming use in a structure not designed or intended for any use permitted in the district in which such structure is located shall not be extended, expanded, enlarged or increased in intensity by:
  - (a) An extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this Code, or any amendment hereto that causes such use to become nonconforming; or
  - (b) An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Code or any amendment hereto that causes such use to become nonconforming.
2. Permitted Extensions. A nonconforming use in a structure not designed or intended for any use permitted in the district in which such structure is located may be extended throughout any part of such structure lawfully existing on the effective date of this Code or any amendment hereto that causes such use to become nonconforming; provided, however, that such extension shall not be allowed unless off-street parking and loading spaces required for such extension can be, and are, provided in accordance with the requirements and restrictions of Section 104 and 9-105 of this Code. No such extension shall be deemed to affect the duty to terminate such use pursuant to Subsection 1 of this Section.

F. Moving. No structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located shall be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

G. Change in Use. A nonconforming use in a structure not designed or intended for use permitted in the district in which such structure is located shall not be changed to any use other than a nonconforming use of a more restricted classification or a use permitted in the zoning district in which the structure is located. When a nonconforming use has been changed to a more restricted nonconforming use or to a permitted use, it shall not thereafter be changed back to a less restricted nonconforming use. For purposes of this Subsection G, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a more restricted nonconforming use or a permitted use shall have commenced and continued for a period of five days. Any change of use in violation of this Subsection shall be deemed to an abandonment of the lawfully existing nonconforming use.

H. Damage or Destruction. Any structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure

is located that is damaged or destroyed, by any means, to the extent of more than 50 percent (50%) of the cost of replacement of such structure new shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located and unless such restoration is accomplished without creating a new parking, loading, bulk, setback or space nonconformity or increasing the degree of any existing parking, loading, bulk, setback or space nonconformity of such structure existing prior to such damage or destruction. In determining whether a parking or loading nonconformity has been created or increased, the provisions of Paragraphs 9-104B(1) and 9-105B(1) shall control.

Where any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of 50 percent (50%) or less of the cost of replacement of the current assessed value of the structure new, repair or restoration of such structure may be made; provide, however, that no repairs or restorations shall be made that would create any new parking, loading, bulk, or space nonconformity or increase the degree of any parking, loading, bulk, setback or space nonconformity of such structure existing prior to such damage or destruction nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless a Certificate of Zoning Compliance is obtained and restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with Subsections B, C and D of this Section.

I. Termination of Certain Uses.

1. Termination by Abandonment. When a nonconforming use of a part or all of a structure that was not designed or intended for any use permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of six (6) consecutive months, regardless of any intent to resume or not to abandon such use, such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such structure shall comply with the use regulations of the district in which such structure is located.

Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Paragraph.

2. Termination by Amortization. Any structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located that has not been terminated pursuant to any other provision of this Code shall be either converted or a conforming use or shall be demolished and removed no later than the date provided in the following schedule:

<u>Assessed valuation on the effective date of this code or any amendment hereto creating such nonconformity</u>	<u>Conversion or removal within following stated period after said effective date</u>
Less than \$5,000	5 years
\$5,000 or more and fireproof or non-combustible construction	25 years or 40 years from date of building permit, whichever is later
\$5,000 or more and exterior masonry wall construction	20 years or 30 years from date of building permit, whichever is later
\$5,000 or more and frame construction	10 years or 20 years from date of building permit, whichever is later

### **10-104: PRE-CODE STRUCTURES**

- A. Authority to Continue. Any pre-code structure that is devoted to a use that is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in Subsections B through E of this Section and Subsection D of Section 10-101.
- B. Repair and Maintenance. Normal maintenance and incidental repair may be performed on any pre-code structure; provided, however, that this Subsection shall not be deemed to authority any violation of Subsections C through E of this Section.
- C. Structural Alterations and Enlargements.
1. All Districts. Any pre-code structure may be altered or enlarged, provided that such alteration or enlargement conforms to all applicable height, setback, and all other requirements of the zoning district in which the structure is located.
  2. Exceptions for Single Family Detached Dwellings in Neighborhood Residential Districts. Notwithstanding the preceding sentence, in the case of single family detached dwellings in neighborhood residential districts, the following exceptions shall apply:
    - (a) Side setback vertical extensions. Any portion of a pre-code structure that is nonconforming with respect to a required side setback may be altered or enlarged by extending vertically within its existing perimeter walls; provided, however, that (i) no such extension shall be located nearer to the side lot line than the minimum side setback requirement for such setback in the zoning district in which it is located, and (ii) if all of the side setbacks that are provided for the pre-code structure do not comply with all of the applicable side setback requirements, including any minimum total side setback requirement, of the zoning district in which it is located, then the maximum height of such alteration or enlargement shall not exceed thirty (30) feet in the R1, R2, R3 and R4 Districts and 27 feet in the R5 District; and

- (b) Side setback horizontal extensions. Any portion of a pre-code structure that is nonconforming with respect to a required side setback may be altered or enlarged by extending horizontally between the required front and rear setback lines at a distance from the side lot line equal to at least the minimum existing distance between said side lot line and said nonconforming portion; provided, however, that (i) no such extension shall be located nearer to the side lot line than the minimum side setback requirement for such setback in the zoning district in which it is located, and (ii) if all of the side setbacks that are provided for the pre-code structure do not comply with all of the applicable side setback requirements, including any minimum total side setback requirement, of the zoning district in which it is located, then the maximum height of such alteration or enlargement shall not exceed thirty (30) feet in the R1, R2, R3 and R4 Districts and 27 feet in the R5 District.

The exceptions in this Paragraph 2 shall not apply to any alteration or enlargement of any pre-code structure that requires the removal of more than forty percent (40%) of the total linear feet of the existing exterior walls of the pre-code structure as measured around the exterior perimeter of the structure.

- D. Moving. No pre-code structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- E. Damage or Destruction. Any pre-code structure that is damaged or destroyed, by any means not within the control of the owner thereof, to any extent, may be repaired or restored, provided, however, that no repair or restoration shall be made that would create any new nonconformity unless a Certificate of Zoning Compliance is obtained and restoration is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion; and further, provided, that if such pre-code structure is within the flood plain, it must comply with the requirements of Part II of Article VIII of this Code.

In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with Subsection C of this Section.

#### **10-105: NONCONFORMING LOTS OF RECORD**

- A. Authority to Utilize for Dwellings. In any district in which dwellings are a permitted dwelling of the type permitted in the district in which the lot is located and that complies with the requirements of the district in which the lot is located, including floor area ratio, lot coverage and setback requirements, except the lot area, lot width and lot depth requirements, may be erected a legal nonconforming lot of record or any parcel or tract of land created by real estate tax divisions prior to March 11, 2014.
- B. Other Uses of Nonconforming Lots. In any district in which dwellings are not permitted, a legal nonconforming lot of record may be used for any use permitted in the district in which it is located if, but only if, the development of such lot meets all requirements of the

district in which it is located, including floor area ratio except lot area, width and depth requirements.

## ARTICLE XI. ZONING ADMINISTRATION AND ENFORCEMENT

### PART I - ADMINISTRATIVE OFFICIALS AND BODIES

#### 11-101: COMMUNITY DEVELOPMENT DIRECTOR

- A. General Powers. The Community Development Director will be charged with the administration and enforcement of this Code. In addition to the jurisdiction, authority and duties conferred on the Community Development Director by other provisions of State statutes and City codes and ordinances, the Community Development Director will have all powers necessary to such administration and enforcement, and will, in particular, have the jurisdiction, authority and duties hereinafter set forth.
- B. Rules; Regulations; Application Forms. The Community Development Director will, consistent with the express standards, purposes and intent of this Code, promulgate, adopt and issue procedural rules, regulations and forms as are in the Director's opinion necessary to the effective administration and enforcement of the provisions of this Code.
- C. Staff Assistance to the Planning and Zoning Commission. The Community Development Director will make staff and consulting assistance available to the Planning and Zoning Commission, and the Director, or his delegate, will in that capacity:
1. Attend the meetings of each body;
  2. Inform each body of all facts and information at the Director's disposal with respect to any matter brought before the body;
  3. Assist each body by performing research and making recommendations on matters brought before each body; and
  4. Perform such other duties as may be assigned to the Director by this Code and by the direction of the City Council.
- D. Records. The Community Development Director will, subject to City record retention policies, maintain:
1. Permanent and current records of this Code, including all maps; amendments; special permits; planned development and site plan approvals and denials; interpretations; and decisions rendered by the Planning and Zoning Commission, the City Attorney and the Director, together with relevant background files and materials and final disposition of the City Council;
  2. A current file of all Certificates of Zoning Compliance, all Certificates of Occupancy and notices of violations, terminations, discontinuance or removal, issued by or entrusted to the Director's office, for such times necessary to ensure continuous compliance with the provisions of this Code; and
  3. A current file of all nonconforming uses and signs in the City, by location and type of use.

E. Zoning Text; Zoning Map. The Community Development Director will prepare and have available for public sale on or before March 31 of each year:

1. The compiled text of this Code in book or pamphlet form, including all amendments thereto through the preceding December 31; and
2. The official Zoning Map, showing the zoning districts, divisions and classifications in effect on the preceding December 31.

The Director will, at all other times, maintain, and have available for reproduction, at least one up-to-date copy of both the Zoning Code text and the Zoning Map, showing all amendments through the most recent meeting of a City Council for which official minutes have been approved.

F. Applications: Receipt, Processing, Referral to Interested Parties and Agencies. The Community Development Director will receive all applications required to be filed pursuant to this Code. Upon receipt of any such application, the Director will see to its expeditious processing, including its prompt referral to and retrieval from each official department, board or commission of the City, or other government, with any interest or duty with respect to such application. Unless otherwise provided, the Director may waive any application requirements that require the submission of supporting information where the applicant demonstrates to the Director that the information required is not relevant to the application submitted.

G. Investigation of Applications. Whenever the Planning and Zoning Commission or the City Council will, by general rule or specific direction, so request, the Director will conduct or cause to be conducted such surveys, investigations and field studies, and will prepare or cause to be prepared such reports, maps, photographs, charts and exhibits, as will be necessary and appropriate to the processing of any application filed pursuant to this Code.

H. Zoning Certificates. Pursuant to the provisions of Sections 11-301 and 11-302 of this Article, the Community Development Director will review all applications for Certificates of Zoning Compliance and Certificates of Occupancy and approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or noncompliance with the provisions of this Code.

I. Interpretations. Pursuant to the provisions of Section 11-401 of this Article, the Community Development Director will issue his written interpretation of the meaning and applicability of specific provisions of this Code. Any interpretation of this Code that may be rendered by the Planning and Zoning Commission or the Director will be kept on file with the Director and will be a public record of the City open to inspection by interested parties at reasonable times and upon reasonable notice.

J. Approval of Site Plans. Pursuant to the provisions of Section 11-504 of this Article, the Community Development Director will have authority to review and approve or deny applications for site plan approval in this cases specified in Paragraph 11-504 C(1).

K. Planned Development and Site Plan Modifications. Pursuant to the provisions of Paragraph 11-503 K(1) and Subsection 11-504 I of this Article, the Community Development Director will have authority to permit adjustments to final plans for planned developments and to site plans.

L. Extensions of Time.

1. The Community Development Director may, upon written request, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this Code unless an ordinance or resolution expressly provides otherwise. The total period of time granted by such extension or extensions will not exceed the length of the original period or 90 days, whichever is less. The Director will inform the City Council of all extensions granted pursuant to this Subsection.

2. The City Council may, upon written request, for good cause shown, and without any notice or hearing, grant extensions of any time limited imposed on an applicant or permittee by this Code provided an ordinance or resolution, as appropriate, is duly adopted by a two-thirds vote of the City Council. The total period of time granted by such extension or extensions will be specifically stated in the ordinance or resolution.

M. Inspection and Enforcement. In furtherance of the enforcement of this Code, the Community Development Director or their designee will undertake regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper; will undertake additional inspections as may be necessary to the performance of his duties under this Code; will receive from any person complaints alleging, with particularity, a violation of this Code; and when appropriate will cause investigations and inspections as may be warranted by a complaints to be made.

Upon finding the existence of any violation of this Code, the Community Development Director or their designee will take or direct all actions necessary or appropriate to punish and abate such violation.

N. Reports. The Community Development Director will, from time to time, prepare and submit a report to the City Council, and the Planning and Zoning Commission concerning the administration of the land use and development regulations of the City, setting forth information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such regulations and setting forth the Director's recommendations for the improvement of these regulations and their administration.

## **11-102: PLANNING AND ZONING COMMISSION**

A. Established. The Planning and Zoning Commission established by Section 32.340 of the Oak Forest Municipal Code is the Zoning Board of Appeals and Plan Commission referred to in this Code. The provisions of this Code with respect to the Planning and Zoning Commission will be deemed supplementary to the provisions of Sections 32.340-32.349 of the Oak Forest Municipal Code. Reference should be made to said sections for a complete description of the membership, term of office and rules of procedure of the Planning and

Zoning Commission. The distinctions made in this Code between the Zoning Board of Appeals and Plan Commission are established for the purposes of defining the authority of the Planning and Zoning Commission and in what capacity it is operating on a particular form of relief provided under this Article XI.

- B. Dissolution. The Corporate Authorities may, in their sole and absolute discretion, dissolve the Planning and Zoning Commission and establish a distinct Zoning Board of Appeals and distinct Plan Commission. At the time of any such dissolution, current members of the Planning and Zoning Commission will be appointed to the newly formed Zoning Board of Appeals and Plan Commission and the remaining seats open on the Zoning Board of Appeals and Plan Commission will be filled by the Mayor with the advice and consent of the City Council.

### **11-103: ZONING BOARD OF APPEALS**

- A. Necessary Vote. The concurring vote of at least four members of the Board of Appeals will be necessary on any motion to reverse any order, requirement, decision or determination appealed to it; to decide in favor of the applicant any application made; or to effect any variation from the provisions of this Code. Any lesser vote on any such motion, even if a majority of those voting, will be considered a final decision denying the appeal, application or variation.
- B. Record and Decisions. The transcript of testimony, if any; the minutes of the meeting; all applications, requests, exhibits and papers filed in any proceeding before the Zoning Board of Appeals; and the decision of the Board shall constitute the record. The Board may rely on the personal knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that the Board shall make the particular knowledge, inspection or report a matter of record at the public hearing and afford every party reasonable time to respond to it.

Every decision of the Zoning Board of Appeals shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans or specifications upon which such decision is based; shall specify the reason or reasons for such decision; shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief; and shall expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized.

The Zoning Board of Appeals shall take no final or binding vote on a decision unless it shall first have before it the written resolution herein required; provided, however, that where special circumstances warrant it, the Board may take final action prior to the preparation of such resolution but in such event it shall, before take such action, first state its findings and conclusions as above required at a meeting open to the public and shall, in addition, state the special circumstances.

In any case where this Code provides that the failure of the Zoning Board of Appeals to act within a fixed period shall be deemed to be a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period.

- C. Appeals. An appeal from any final decision of the Zoning Board of Appeals may be taken in the manner provided in Article III of the Illinois Code of Civil Procedure pertaining to Administrative Review.
- D. Jurisdiction and Authority. The Zoning Board of Appeals will have the following jurisdiction and authority:
1. Subject to the provisions of Section 11-402 of this Article, to hear and decide appeals from, and to review orders, decisions or determinations made by the Community Development Director and to that end shall have the powers of the Community Development Director with respect to such order, decision or determination.
  2. To hear, review and offer its recommendations to the City Council on applications for variations requested pursuant to Paragraph 11-403 E2 of this Article.
  3. To hear, review and decide on applications for variations requested pursuant to Paragraph 11-403 E1 of this Article.
  4. Subject to the provision of Section 11-501 of this Article, to initiate changes and amendments to this Code.

#### **11-104: PLAN COMMISSION**

- A. Necessary Vote. The concurring vote of at least a majority of the currently appointed Commissioners will be necessary to adopt any motion to recommend approval of any matter or application. Any lesser vote on any such motion, even if a majority of those voting, will be considered a final decision to recommend denial of such matter or application.
- B. Record and Decisions. The transcript of testimony, if any; the minutes of the meeting; all applications, requests, exhibits and papers filed in any proceeding before the Plan Commission; and the decision and report, or reports, of the Commission shall constitute the record.

Every recommendation or decision of the Plan Commission upon an application filed pursuant to this Code shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans or specifications, upon which such recommendation or decision is based; shall specify the reason or reasons for such recommendation or decision; and shall contain a conclusion or statement separate from the findings of fact setting for the recommendation or decision of the Commission. Every resolution shall expressly set forth any limitations or conditions recommended or imposed by the Commission.

In reaching its recommendation or decision on any such application, the Plan Commission may rely on the person knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that the Commission shall make the particular knowledge, inspection or report a matter of record at the public hearing and afford every party reasonable time to respond to it.

The Plan Commission shall take no final or binding vote on any recommendation or decision pertaining to an application pending before it unless it shall first have before it the written resolution herein required; provided, however, that where special circumstances warrant it, the Plan Commission may take final action on any such application prior to the preparation of such resolution but in such event it shall, before taking such action, first are its findings and conclusions as above required at a meeting open to the public and shall, in addition, state the special circumstances warranting such action.

In any case where this Code provides that the failure of the Plan Commission to act within a fixed period shall be deemed a recommendation for grant or denial of an application, such failure shall, notwithstanding absence of required findings and conclusions, be considered to be a decision of the Commission rendered on the day following the expiration of such fixed period.

As to other matters brought before the Plan Commission, the Commission shall prepare such report as it shall deem appropriate to the subject matter.

C. Jurisdiction and Authority. In addition to the jurisdiction conferred on it by Chapter 2 of the Oak Forest Municipal Code, the Plan Commission shall have the following jurisdiction and authority:

1. To prepare and recommend a Comprehensive Plan, including an Office Map, to the City Council, which, upon its adoption by the City Council, shall be known as the “Official Comprehensive Plan” of the City of Oak Forest.
2. To review, prepare and recommend to the City Council changes in and amendments to the Official Comprehensive Plan, including the Official Map.
3. To initiate, hear, review and offer its recommendations to the City Council on applications for amendments of this Code.
4. To hear, review and offer its recommendations to the City Council on applications for special use permits.
5. To hear, review and offer its recommendations to the City Council on applications for planned development approval.
6. To aid and assist the City Council and the departments of the City in implementing general plans and in planning, developing and completing specific project.
7. To review and report on any matters referred to it by the City Council or the Community Development Director.

## **PLANNING DOCUMENTS AND PROCEDURES**

### **11-105: OFFICIAL COMPREHENSIVE PLAN**

A. Authority. The Plan Commission shall have authority to prepare and recommend to the City Council a Comprehensive Plan of the City and the unincorporated areas surrounding the City and from time to time to prepare and recommend amendments thereto, any or all

of which the City Council may adopt as the “Official Comprehensive Plan of the City of Oak Forest,” all in accordance with the procedures set out in this Section.

- B. Definition. The “Official Comprehensive Plan” shall be defined as a compilation of policy statements; goals; standards; maps; recommended planning, regulatory, fiscal and public works programs; together with pertinent data relative to the past, present and future trends of the City with respect to its population, housing, economic, social and environmental development patterns; its land, water and natural resources and use; its transportation facilities, public facilities and utilities; and any other matter relative to the present and future patterns of life within the City or within the unincorporated areas lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Planning and Zoning Commission with the advice and assistance of the Community Development Director and the Director’s staff and adopted by the City Council by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time.

Said term shall also refer to any internally consistent and complete portion of such a compilation relating to any one or more of the aforesaid subjects or to any specific portion of the aforesaid geographical area.

As of the effective date of this Code, said term shall be understood to refer to the following documents:

1. Oak Forest Comprehensive Plan
  2. This Code.
  3. [reserved]
- C. Purpose. The Official Comprehensive Plan shall be considered an official statement of the policy of the City of Oak Forest with respect to the existing and developing character of the various areas of the City and its vicinity; the proper objectives, standards and direction for future maintenance, growth, development and redevelopment of the City; the means to be employed to protect existing character or development and to encourage future development that will be in the best interests of the City; and the actions and programs to be undertaken by the City with respect to its future maintenance and development.
- D. Effect. After the adoption of the Official Comprehensive Plan, or a part thereof, no ordinance, regulation or Official Map relating to the physical maintenance, development or redevelopment of the City or any land within it shall be enacted, established, amended or varied and no right-of-way, street, utility or public structure or land shall be authorized, established, developed, redeveloped or modified in location or extent except in accordance with the policies, goals, objectives, principles and standards of the Official Comprehensive Plan or relevant part thereof unless the City Council shall first make a specific finding that the facts and circumstances affecting the particular matter justify a departure from the Plan.

E. Procedures.

1. Plan Development. The Plan and Zoning Commission, with the assistance of the Community Development Director and the Administrator's staff, shall exercise the powers and duties delegated to it by Section 11-104 of this Article in the continuing development and revision of the Official Comprehensive Plan. The process of plan development is necessarily an informal one, not readily adaptable to rigid procedures, but the Planning and Zoning Commission and the Community Development Director, in developing a plan, shall make all reasonable efforts to obtain the views, comments and criticisms of interested persons. In addition, the Planning and Zoning Commission and the City Administrator, in developing a plan, shall make all reasonable efforts to obtain the views, comments and criticisms of interested persons. In addition, the Planning and Zoning Commission, prior to making any recommendation for the adoption or amendment of a plan or part thereof to the City Council, shall set, notice and conduct a public hearing thereon in accordance with the provisions of Section 11-203 of this Article.

The City Council may, at any time, refer a plan to the Planning and Zoning Commission for consideration and recommendation. In the case of such referral, the Planning and Zoning Commission shall return its recommendation to the City Council not later than 90 days following the receipt of the referral. In the event such recommendation is not so delivered, the City Council may proceed to consider the amendment without such recommendation.

When satisfied that a plan, or a part thereof, is adequate for adoption as the Official Comprehensive Plan of the City, or a part thereof or an amendment thereto, the Planning and Zoning Commission shall transmit such plan or part thereof to the City Council together with its recommendations for adoption of such plan as well as any reports or statements deemed necessary to a full consideration of such plan or part thereof. Such reports or statements may include majority and minority positions. Such transmission shall be made not later than fifteen (15) days following the close of the public hearing concerning such plan.

2. Plan Adoption. Upon receiving any recommendation of the Planning and Zoning Commission with respect to adoption or amendment of any plan, or a part thereof, the City Council may, by ordinance duly enacted, adopt such plan in whole or in part, with or without amendments; or may refer such plan or any part thereof back to the Planning and Zoning Commission for further consideration; or may reject such plan. The City Council shall take such action no later than ninety (90) days following the close of the Planning and Zoning Commission Public Hearing on such plan. The failure of the City Council to act within such period shall be deemed to be a rejection of the plan. Upon the adoptions of any such plan or part thereof, it shall be designated as the "Official Comprehensive Plan of the City of Oak Forest," and if less than a total comprehensive plan, shall carry a subheading designating its specific contents.

3. Plan Amendment. The Official Comprehensive Plan, or any part thereof, may be amended at any time in accordance with the provisions of this Paragraph 3. Such an amendment may be initiated by the City Council, the Planning and Zoning Commission, the Community Development Director, or by any owner of property affected by the provisions of such plan sought to be amended.

Amendments initiated by the City Council, the Planning and Zoning Commission or the Community Development Director shall require no formal application and shall be processed as provided in Paragraphs E1 and E2 above.

Amendments initiated by the owner of affected property shall be initiated by an application filed pursuant to Section 11-401 of this Article, except that the time limits specified in Paragraphs E1 and E2 above shall apply.

4. Plan Filing and Notice of Adoption. The ordinance adopting the Official Comprehensive Plan, or any part thereof, shall provide that the Community Development Director shall cause a certified copy thereof to be placed on file in the Office of the City Clerk, and shall cause a notice evidencing the adoption of such plan, or part thereof, to be filed with the Cook County Recorder of Deeds.

#### **11-106: OFFICIAL MAP**

- A. Authority. The Planning and Zoning Commission shall have authority to prepare and to recommend to the City Council an Official Map of the City and the unincorporated areas surrounding the City and from time to time to prepare and recommend amendments thereto, all of which the City Council may adopt as the “official Map of the City of Oak Forest,”
- B. Definition. The “Official Map” shall be defined as a compilation of maps, standards and specifications of and for existing and proposed rights-of-way, streets, alleys, utility easements, public grounds and public utility systems within the City or within the unincorporated area lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Planning and Zoning Commission with the advice and assistance of the Community Development Director and the Community Development Director’s staff and adopted by the City Council by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time.  
  
Said term shall also refer to any internally consistent and complete portion of such a compilation relating to any one or more of the aforesaid subjects or to any specific portion of the aforesaid geographical area.
- C. Purpose. The Official Map is adopted to implement the Official Comprehensive Plan, to assure the adequacy of the public facilities to which it relates and to secure for the City the authority and benefits provided by state law in connection with such an Official Map.
- D. Procedures. The procedures for the development, adoption, amendment and filing of the Official Map shall be the same as those provided in Subsection 11-201 E of this Article with respect to the Official Comprehensive Plan.

## PART II - ZONING APPLICATIONS AND HEARING

### 11-201: APPLICATIONS

#### A. Place of Filing.

1. Applications for Zoning and Occupancy Certificates, Code Interpretations and Certain Site Plan Approvals. All applications for a Certificate of Zoning Compliance pursuant to Section 11-301 of this Article, a Certificate of Occupancy pursuant to Section 11-302 of this Article, an interpretation pursuant to Section 11-401 of this Article, and a site plan approval pursuant to Paragraph 11-504 E1 of this Article, shall be filed with the Office of the Community Development Director or with such other City official or body as the Director may, by administrative order designate.
2. All Other Applications. All applications for an appeal pursuant to Section 11-402 of this Article, a variation pursuant to Section 11-403 of this Article, an amendment pursuant to Section 11-501 of this Article, a special use permit pursuant to Section 11-502 of this Article, a planned development pursuant to Section 11-503 of this Article, and a site plan approval pursuant to Subsection 11-504 E2 of this Article shall be filed with the office of the Community Development Director for immediate processing pursuant to Subsection 11-101 F of this Article.

#### B. Forms, Number, Scale. All applications filed pursuant to this Code shall be on forms supplied by the City and shall be filed in such number of duplicate copies as the Community Development Director may by administrative order designate. All plans filed as part of any application shall be at a scale sufficient to permit a clear and precise understanding of the contents of said plan and the proposal being made and shall be folded to a convenient size for handling and filing in standard, legal size legal drawers.

#### C. Filing Deadlines.

1. Applications Requiring Hearings. Applications requiring public hearing will not be scheduled for such hearing unless and until filed in proper form and number and containing all required information.
2. Applications Not Requiring Hearing. Applications that do not require a public hearing shall be filed, in proper form and number and containing all required information, at least 35 days prior to the time when action on the application is requested. Applications so filed will be processed on a first-filed, first-processed basis.
3. Supplemental Data. Whenever supplemental data in connection with a previously filed application is required by the City or offered by the applicant, it shall be submitted at least seven days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such application. The filing of such data shall, in the discretion of the Community Development Director and of the body hearing the application, because to delay a requested or scheduled hearing date.

D. Fees.

1. Fee Established; Lien. Every application filed pursuant to this Code shall be subject to a non-refundable application and filing fee in the amount established in the annual fee ordinance adopted pursuant to the Oak Forest Municipal Code plus the actual cost, as hereinafter defined, incurred by the City in processing such application.

The owner of the property which is the subject of the application and, if different, the applicant, shall be jointly and severally liable for the payment of said fee. By signing the application, owner shall be deemed to have agreed to pay such fee and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee, plus the costs of collection, which has not been paid within thirty (30) days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien filed pursuant to this Subsection may be foreclosed in the manner provided by statute for mortgages or mechanics liens.

2. Recoverable Costs. For purposes of calculating the fee due pursuant to Paragraph D1 above, the actual costs incurred by the City in processing an application shall be deemed to consist of the following items of direct and indirect expense:

- (a) Legal Publication (direct cost)
- (b) Recording Secretarial Services (direct cost)
- (c) Court Reporter (direct cost)
- (d) Administrative Preparation and Review (hourly salary times a multiplier to be established from time to time by the Community Development Director at a level sufficient to recover 100 percent (100%) of the direct and indirect cost of such service)
- (e) Document Preparation and Review (hourly salary times a multiplier to be established from time to time by the Community Development Director at a level sufficient to recover 100 percent (100%) of the direct and indirect cost of such service)
- (f) Professional and Technical Consultant Services (direct cost)
- (g) Legal Review, Consultation and Advice (direct cost)
- (h) Copy Reproduction (direct cost)
- (i) Document Recordation (direct cost)

3. Condition of All Applications, Approvals and Permits; Time Periods. No application filed pursuant to the Code shall be considered complete unless and until all fees and deposits due pursuant to this Subsection have been paid. Every approval granted and every permit issued pursuant to this Code shall, whether or not

expressly so conditioned, be deemed to be conditioned upon payment of fees as required by this Subsection.

Where this Code provides that the passage of time without decision or action shall be deemed an approval or a recommendation for approval, time periods shall be tolled during any period of non-payment, but shall otherwise continue to run.

The failure to fully pay any such fee or deposit, when due, shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or deposit relates.

4. Specified Public Bodies Exempt. The application fee provided in Paragraph 11-201 D1 shall not apply to, and no fee shall be required of, any public body or agency deriving the majority of its revenue from taxes levied within the City of Oak Forest. However, Paragraph 11-201 D2 shall apply to such public bodies.

E. Minimum Data Requirements.

1. All Applications. Every application submitted pursuant to this Code shall contain at least the following information:
  - (a) The owner's name and address and the owner's signed consent to the filing of the application.
  - (b) The applicant's name and address, if different than the owner, and his interest in the subject property.
  - (c) The names, addresses and telephone numbers of all professional consultants, if any, advising the applicant with respect to the application.
  - (d) The name and address and the nature and extent of the interest, as defined in the Oak Forest Ethics Code, of any officer or employee of the City in the owner, the applicant or the subject property.
  - (e) The address and legal description of the subject property.
  - (f) A description or graphic representation of the proposal for which approval is being sought and of the existing zoning classification, use and development of the subject property. The scope and detail of such description shall be appropriate to the subject matter of the application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the application.
  - (g) In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, the statement required by Subsection 11-302 B of this Article.
  - (h) Proof of control or ownership, in the case of site-specific applications.

2. Applications for Zoning and Occupancy Certificates. Every application filed pursuant to Section 11-301 or 11-302 of this Code shall, in addition to the data and information required pursuant to Paragraph 1 above, provide the following information:
- (a) A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.
  - (b) A table showing the following, if applicable:
    - (i) The total lot area of the subject property, in acres and in square feet;
    - (ii) The total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area, devoted to residential uses, by type of structure, commercial uses, office uses, industrial uses and institutional uses, open space, rights-of-way, streets, and off-street parking and loading areas; and
  - (c) The existing and proposed:
    - (i) Number of dwelling units, by number of bedrooms and dwelling unit gross floor area; and
    - (ii) Gross and net floor area devoted to residential uses, commercial uses, office uses, industrial uses, institutional uses and recreational uses.
  - (d) A table listing all bulk, space and setback requirements, all parking requirements, and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement. Where any lack of compliance is shown, the reason therefore shall be stated and an explanation of the City's authority, if any, to approve the application despite such lack of compliance shall be set forth.
  - (e) The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction or development complies with all the provisions of this Code and other City ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.
3. Application for Code Interpretations. Every application filed pursuant to Section 11-401 of this Code shall, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide the following information:
- (a) The specific provision or provisions of this Code for which an interpretation is sought.
  - (b) The facts of the specific situation giving rise to the request for an interpretation.

- (c) The precise interpretation claimed by the applicant to be correct.
  - (d) Where a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use.
  - (e) Where a use interpretation is sought, documents, statements and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
4. Applications for Appeals. Every application filed pursuant to Section 11-402 of this Code shall, if deemed necessary by the Community Development Director, in addition to the date and information required pursuant to Paragraph 1, and, where relevant, Paragraph 2 above, provide the following information:
- (a) The specific order, decision or determination of failure to act from which an appeal is sought.
  - (b) The facts of the specific situation giving rise to the original order, decision, determination or failure to act and to the appeal therefrom.
  - (c) The precise relief sought.
  - (d) A statement of the applicant's position as to alleged errors in the order, decision, determination or failure to act being appealed and as to why the relief sought is justified and proper.
5. Applications for Variations. Every application filed pursuant to Section 11-403 of this Code shall, if deemed necessary by the Community Development Director, in addition to the data and information required pursuant to Paragraph 1 and where relevant, Paragraph 2 above, provide the following information:
- (a) The specific feature or features of the proposed use, construction or development that require a variation.
  - (b) The specific provision of this Code from which a variation is sought and the precise variation therefrom being sought.
  - (c) A statement of the characteristics of the subject property that prevent compliance with the said provisions of this Code.
  - (d) A statement of the minimum variation of the provisions of this Code that would be necessary to permit the proposed use, construction or development.
  - (e) A statement of how the variation sought would satisfy the standards set forth in Subsection 11-403 F of this Code.
  - (f) The names and addresses of all owners of:

- (i) Property within 250 lineal feet, excluding street rights-of-way, in all directions from the subject property; and
  - (ii) Property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property and on a frontage directly opposite any such frontage and on a frontage immediately adjoining or across an alley from any such frontage, as shown in the records of the Office of the Assessor of Cook County.
- (g) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
- (h) A statement concerning the conformity or lack of conformity of the approval being requested to the City Official Comprehensive Plan and Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, reasons justifying the approval despite such lack of conformity shall be stated.
6. Applications for Official Comprehensive Plan or Zoning Code Text Amendments. Every formal application filed pursuant to Section 11-501 of this Code requesting an amendment to the text of either the Official Comprehensive Plan or this Code shall, if deemed necessary by the Community Development Director, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide the following information:
- (a) The exact wording of the proposed text amendment.
  - (b) A statement of the need and justification for the proposed text amendment.
  - (c) The names and addresses of all owners of
    - (i) Property within 250 lineal feet, excluding street rights-of-way, in all directions from the subject property; and
    - (ii) Property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property and on a frontage directly opposite any such frontage and on a frontage immediately adjoining or across an alley from any such frontage, as shown in the records of the Office of the Assessor of Cook County.
  - (d) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
  - (e) A statement concerning the conformity or lack of conformity of the approval being requested to the City Official Comprehensive Plan and Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, reasons justifying the approval despite such lack of conformity shall be stated.

7. Formal Applications for Special Use Permits. Every application filed pursuant to Section 11-502 of this Code shall, if deemed necessary by the Community Development Director, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide the following information:
  - (a) A written statement of the need for the special permit.
  - (b) The names and addresses of all owners of
    - (i) Property within 250 lineal feet, excluding street rights-of-way, in all directions from the subject property; and
    - (ii) Property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property and on a frontage directly opposite any such frontage and on a frontage immediately adjoining or across an alley from any such frontage, as shown in the records of the Office of the Assessor of Cook County.
  - (c) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
  - (d) A statement concerning the conformity or lack of conformity of the approval being requested to the City Official Comprehensive Plan and Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, reasons justifying the approval despite such lack of conformity shall be stated.
  - (e) An application for site plan approval pursuant to Section 11-504 of this Article.
8. Applications for Zoning or Official Comprehensive Plan Map Amendments. Every formal application filed pursuant to Section 11-501 of this Code requesting an amendment to the Official Comprehensive Plan Map or the Zoning Map shall, if deemed necessary by the Community Development Director, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide a statement of the need and justification for the proposed Plan or Zoning Map amendment. Said statement shall address at least the following factors:
  - (a) The existing uses and zoning classifications of properties in the vicinity of the subject property.
  - (b) The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present plan designation or zoning classification.
  - (c) The extent to which the value of the subject property is diminished by the existing plan designation or zoning classification applicable to it.

- (d) The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.
- (e) The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
- (f) The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
- (g) The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
- (h) The suitability of the subject property for uses permitted or permissible under its present plan designation and zoning classification.
- (i) The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.
- (j) The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present plan designation and zoning classification.
- (k) The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
- (l) The community need for the proposed map amendment and for the uses and development it would allow.
- (m) The names and addresses of all owners of:
  - (i) Property within 250 lineal feet, excluding street rights-of-way, in all directions from the subject property; and
  - (ii) Property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property and on a frontage directly opposite any such frontage and on a frontage immediately adjoining or across an alley from any such frontage, as shown in the records of the Office of the Assessor of Cook County.

9. Applications for Planned Development Concept Plan Approval. Every application filed pursuant to Subsection 11-503 D1 of this Code shall, if deemed necessary by the Community Development Director, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide the following information:

- (a) A development name unique to the Oak Forest area for identification purposes.

- (b) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed planned development, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property, and a recent commitment for title insurance or ownership search certificate.
- (c) A map depicting municipal and special district boundaries where adjacent to or within the subject property.
- (d) A written statement addressing the following matters:
  - (i) A general description of the proposed planned development, the planning objectives to be achieved by it, including the rationales and assumptions of the applicant supporting the proposed planned development, and the market it is intended to serve.
  - (ii) How the proposed planned development is to be designed, arranged and operated so as not to adversely affect the development and use of neighboring property in accordance with applicable regulations of this Code.
- (e) Schematic, soft-line drawings of the proposed planned development concept, including public or private rights-of-way on or adjacent to the subject property, the proposed dimensions and locations of vehicular and pedestrian circulation and parking elements, public and private open space, and residential, commercial, office, industrial and other land uses, and the general locations of and purpose of all easements.
- (f) A Tax Impact Study indicating the possible tax consequences the proposed planned development will have upon the City and other affected taxing bodies.
- (g) A Traffic and Transit Impact Study including a list of new street construction and traffic control improvements necessary to accommodate the estimated increase in traffic and traffic related problems occasioned by the proposed development and a statement of the applicant's proposals for providing those needed improvements.
- (h) A preliminary engineering study showing the location and adequacy of existing and proposed sanitary sewer, storm sewer and water distribution systems.
- (i) A written statement identifying existing natural and environmental resources and features on the subject property, including its topography, vegetation, soils, geology, and scenic view, and the impact of the proposed planned development on such resources and features, including proposals to preserve or protect such resources and features.
- (j) Schematic, soft-line architectural elevations indicating the general style of architecture and typical building materials.

- (k) A statement of the applicant's intent with respect to the ownership, sale and leasing of the various completed units, structures, spaces and areas within the proposed planned development.

10. Application for Planned Development Final Plan Approval. Every application filed pursuant to Paragraph 11-503 D2 of this Article shall, if deemed necessary by the Community Development Director, in addition to the data and information required pursuant to Paragraph 1 and, where applicable, Paragraph 2 above, provide the following information:

- (a) The date on which Development Concept Plan approvals were granted.
- (b) The materials and data listed in Paragraph 11-201(E)(11), as required for Site Plan Approval.
- (c) When the proposed planned development, or stage thereof, includes provision for public or common open space, a statement describing the provision made for the dedication or care and maintenance of such open space. If it is proposed that such open space be owned or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted. When the property is to be dedicated, a draft of the instrument of dedication shall be submitted.
- (d) Copies of any restrictive covenants to be recorded with respect to property included in the Final Plan.
- (e) A statement summarizing all changes that have been made, or have occurred, in any document, plan, data or information previously submitted, together with a revised copy of any such documents, plan or data.
- (f) All certificates, seals and signatures required for the dedication of land and recordation of documents.
- (g) Proof from appropriate governmental agencies that all taxes on the subject property have been paid and that all special assessments, taxes, and other levies against the subject property or any part thereof have been paid in full.
- (h) If the planned development is to be constructed in stages or units during a period extending beyond a single construction season, a development schedule for each and every such stage stating the approximate beginning and completion date, proportion of total public or common open space to be provided for each use and with each development stage.
- (i) A detailed description of the financial assurances to be presented to guarantee completion of all public improvements and private open space to be provided in connection with the proposed planned development.

- (j) Evidence of the financing plan the applicant proposes to use to complete the proposed planned development. The applicant's prior success in completing projects of similar scope may be offered in support of this requirement.
  - (k) A preliminary plat of subdivision if required pursuant to the Oak Forest Subdivision Ordinance.
  - (l) A final plat of subdivision if required pursuant to the Oak Forest Subdivision Ordinance.
11. Applications for Site Plan Approval. Whenever an application filed pursuant to any provision of this Code involves any use, construction or development requiring the submission of a site plan pursuant to Section 11-504 of this Article, a site plan illustrating the proposed use, construction or development and providing at least the following data and information, on one or more sheets, shall, if deemed necessary by the Community Development Director, be submitted as part of the application:
- (a) A graphic rendering of the existing conditions, which depicts:
    - (i) All significant natural, topographical and physical features of the subject property including topographical contours at one foot intervals;
    - (ii) The location and extent of tree cover including single trees in excess of eight inches in diameter at five feet above ground level;
    - (iii) The location and extent of water bodies and courses, wetlands, marshes and special flood hazard areas and floodways on or within 100 feet of the subject property;
    - (iv) Existing drainage structures and patterns; and
    - (v) Soil conditions as they affect development.
  - (b) The location, use, size and height in stories and feet of structures and other land uses on properties within 250 feet of the subject property.
  - (c) For areas within any required setback, any proposed regarding of the subject property.
  - (d) Data concerning proposed structures and existing structures that will remain, including:
    - (i) Location, size, use and arrangement, including height in stories and feet;
    - (ii) Where relevant, floor area ratio, gross floor area and net floor area;
    - (iii) Where relevant, number and size of dwelling units, by dwelling unit type and number of bedrooms;
    - (iv) Building coverage; and
    - (v) Description of the calculation method utilized in computing all required statistics shown.

- (e) Minimum setback dimensions and, where relevant, relation of setback dimensions to the height, width and depth of any structure.
- (f) A vehicular and pedestrian circulation plan showing the location, dimensions, gradient and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs and curb cuts; parking spaces, loading spaces and circulation aisles; sidewalks, walkways and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.
- (g) All existing and proposed surface and sub-surface drainage and retention and detention facilities and existing and proposed water, sewer, gas, electric, telephone and cable communications lines and easements and all other utility facilities.
- (h) Location, size and arrangements of all outdoor signs and lighting.
- (i) Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.
- (j) Location, designation and total area of all usable open space.
- (k) A detailed landscaping plan, showing location, size and species of all trees, shrubs and other plant material.
- (l) A traffic study, if required by the Community Development Director or the Board or Commission hearing the application.
- (m) An erosion control plan for the period during which construction will be taking place, if required by the Community Development Director or the Board or Commission hearing the application.
- (n) Hard line elevations and floor plans.
- (o) The names and addresses of all owners of:
  - (i) Property within 250 lineal feet, excluding street rights-of-way, in all directions from the subject property; and
  - (ii) Property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property and on a frontage directly opposite any such frontage and on a frontage immediately adjoining or across an alley from any such frontage, as shown in the records of the Office of the Assessor of Cook County.
- (p) An application for a Minor or Major Sign Plan, in accordance with Subsection 9-106(D) of this Code.

12. Applications for Appeal from Denial of Site Plan Approval. Every application filed pursuant to Subparagraph 11-504 E(1)(d) shall, if deemed necessary by the

Community Development Director, in addition to the data and information required pursuant to Paragraph 1 above, provide the following information:

- (a) A copy of the original application for site plan approval.
- (b) A statement of the applicant's position as the alleged errors in the Director's denial of site plan approval and as to why approval of the site plan is justified and proper.

13. Applications for Major Design Review Permit. Every application filed pursuant to Section 11-504 shall, if deemed necessary by the Community Development Director, in addition to the data and information required pursuant to Paragraph 1 above, provide the following information:

- (a) The materials and data listed in Paragraph 11-201(E)(11), as required for Site Plan Approval.
- (b) Photos of the existing building, site landscaping, and other existing site features.
- (c) Concept renderings in color accurately depicting the color, size, shape, and material of any and all changes to the subject building. Should hard line elevations and sections required by Subparagraph d of this Paragraph be submitted in accurate color detail, this material requirement may be waived.
- (d) Building material list, with material specs, labels and color depictions showing color and texture of each material.
- (e) Photometric plan showing foot-candle levels to the nearest tenth of a foot-candle to all property lines.
- (f) Light fixture cut sheets showing the color and finish.
- (g) Hard line elevations and sections, when necessary, measurable by an architect's scale, which illustrate the following:
  - (i) All materials proposed and their corresponding texture, clearly and consistently labeled which correspond with the required building material list.
  - (ii) For existing buildings, clear identification between existing façade to remain and proposed façade.
  - (iii) Dedicated sign area for wall signs. Signs are subject to review in accordance with Section 9-106 and the Major Design Review Permit process does not include signs.
  - (iv) Clear and consistent light fixture labels and demarcations corresponding to light fixture cut sheets.

- F. Special Data Requests. In addition to the data and information required pursuant to Subsection E of this Section, every applicant shall submit such other and additional data, information or documentation as the Community Development Director or any Board or Commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
- G. Concurrent Applications. Where a proposed use or development requires more than one approval pursuant to this Code, applications for all such approvals may be filed concurrently notwithstanding the fact that approval of one application may be a precondition to approval of other applications. Such applications may, in the discretion of the official, officials, body or bodies charged with review of such applications be processed together; provided, however, that no application shall be approved unless all applications that are a precondition to its approval have first been approved.
- H. Withdrawal of Application. An applicant may withdraw an application at any time prior to a final decision having been rendered with respect thereto; provided that the applicant shall have paid all applicable application fees pursuant to Subsection 11-301 D. Such withdrawal shall be without prejudice to the applicant's right to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to the procedures and fees of this Code in the same manner as any other new application.

#### **11-202: SUCCESSIVE APPLICATIONS**

- A. Second Applications Without New Grounds Barred. Whenever any application filed pursuant to this Code has been finally denied on its merits, a second application, seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless, in the opinion of the Officer, Board or Commission before which it is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
- B. New Grounds to be Stated. Any such second application shall include a detailed statement of the grounds justifying consideration of such application.
- C. Exception. Whether or not new grounds are stated, any such second application filed more than two years after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

#### **11-203: PUBLIC HEARINGS AND MEETINGS**

- A. Setting Hearing or Meeting; Time Limitation. When the provisions of this Code require a public hearing or meeting in connection with any application filed pursuant to this Code, the body charged with conducting the hearing or meeting shall, upon receipt of a properly completed application, fix a reasonable time and place for such hearing or meeting; provided, however, that such hearing or meeting shall be commenced no later than 60 days, and shall be concluded no later than 120 days, following the receipt of the subject

application unless the applicant shall agree to an extension or unless the hearing or meeting agenda of the body is completely committed during that time. In all cases where the Planning and Zoning Commission is the body charged with conducting the hearing, an application shall be deemed to have been “received” on the date of the referral of such application by the City Council.

B. Notice.

1. Notice to be Given. Notice of public hearings and meetings set pursuant to Subsection A of this Section shall be given by the Community Development Director or the applicant, as the case may be, in the form and manner and to the person herein specified.

2. Content of Notice. All notices shall include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, and the address or particular location, as well as a legal description, of the subject property.

3. Persons Entitled to Notice

(a) All Hearings and Meetings. Notice of every hearing or meeting set pursuant to Subsection A of this Section shall be given by the Community Development Director:

(i) By mail or personal delivery to the applicant and, if a specific parcel is the subject of the application, to the owner of the subject property.

(ii) By mail to any newspaper or person that shall have filed a written request, accompanied by an annual fee as established from time to time by the Community Development Director to cover postage and handling, for notice of all hearings or meetings held pursuant to this Code. Such written request shall automatically expire on December 31 of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date

(iii) By mail, personal delivery or interdepartmental delivery to affected City Councils, Commissions, Departments and Officials.

Notice by mail as herein required, shall be mailed no less than five days in advance of the hearing or meeting date by regular United States mail.

(b) Hearings on Amendments, Special Use Permits and Variations. In addition to the notice as required by Subparagraph B3(a) above, the following notice shall be given for every hearing set pursuant to Subsection A of this Section in connection with an application for an amendment to this Code (other than an amendment to the Zoning Map), a special permit or a variation:

(i) Content of Notice. The notice required pursuant to this Subparagraph shall contain, at a minimum, the following information:

- (1) The street address, legal description or detailed location description of the property, if any, that is the subject of the application;
  - (2) A brief statement of the nature of the relief being requested;
  - (3) The name and address of the applicant;
  - (4) The name and address of the legal and beneficial owner of the property, if any, that is the subject of the application; and
- (ii) Notice by Newspaper Publication. The Community Development Director shall cause a notice to be published in a newspaper published in, or of general circulation within, the City at least once no less than fifteen (15) days, nor more than thirty (30) days, in advance of the hearing date.
- (iii) Notice by Mail. If a specific property is the subject of the application, the applicant shall deliver a notice, by certified mail, return receipt requested, by U.S. Mail, first class, or by personal delivery, to all owners of all property located, in whole or in part, within 250 feet of the subject property measured in all directions of the subject property excluding public and railroad rights-of-way. The notice shall be mailed or personally delivered, as the case may be, no less than fifteen (15) days, nor more than thirty (30) days, in advance of the hearing date. The mailing of a notice pursuant to this Subparagraph addressed to the name and address on the most recent Cook County real estate tax records shall be deemed a satisfaction of this notice by mail requirement.
- (iv) Notice by Sign. If a specific property is the subject of the application, the applicant shall post the subject property with a ground sign of approximately six (6) square feet of gross surface area containing the legibly written notice. The sign shall be located on the subject property so as to be visible from at least one (1) right-of-way abutting the subject property. The applicant shall remove the sign within three (3) days after the hearing is closed. The notice by sign requirement shall not be applicable for any application for a variation.
- (v) Report to Hearing Body. At the hearing, the applicant shall present to the hearing body an affidavit, certification or other evidence satisfactory to the hearing body, demonstrating, to the satisfaction of the hearing body, that the applicable notice requirements of this Subparagraph have been satisfied.
- (c) Hearing on Renewal of Special Use Permits. In addition to notice as required by Subparagraph B3(a) above, notice of a hearing for the renewal of a Special Use Permit pursuant to Subsection 11-502 L of this Code shall be given in accordance with Subparagraphs 11-203 B3(b) (1), (3), (4) and (5);
- (d) Hearing on Official Comprehensive Plan. In addition to notice as required by Subparagraph B3(a) above, notice of every hearing set pursuant to Subsection A hereof in connection with the adoption of the Official

Comprehensive Plan shall be given by publication in a newspaper of general circulation in Cook County at least fifteen (15) days before such hearing.

- (e) Hearing on Zoning Map Amendments. In addition to notice as required by Subparagraph B3 (a) above, notice of every hearing set pursuant to Subsection A hereof in connection with an application for an amendment to the Zoning Map shall be pursuant to Subparagraph 11-203 B3 (b); provided, however, that the requirements set forth in Subparagraph 11-203 B3 (b)(4) shall not apply in any of the following instances:
  - (i) when the City is the applicant and none of the property that is the subject of the application is owned by the City; or
  - (ii) the property that is the subject of the application consists of five (5) or more zoning lots.

C. Referral to City Commissions and Departments.

1. Hearings and Meetings Regarding Appeals and Variations.

- (a) Director to Refer Applications. The Community Development Director shall, not later than the time set pursuant to Subsection B of this Section for giving public notice, refer every application for an appeal pursuant to Section 11-402 of this Article and for a variation pursuant to Section 11-403 of this Article to all appropriate City Commissions and Departments.
- (b) Review and Comments. Each City Commission and Department to which an application is referred pursuant to this Subsection shall review such application and submit its comments thereof to the Community Development Director.

Such comments shall, whenever possible, be submitted at least two business days prior to the date set for the hearing and shall be made available to any person on request prior to the hearing.

2. Hearings and Meetings Regarding Variations, Amendments and Special Use Permits.

- (a) Director to Refer Applications. Following receipt from the applicant of an application for a variation pursuant to Section 11-403 of this Article, an amendment pursuant to Section 11-501 of this Article, a special use permit pursuant to Section 11-502 of this Article and a planned development pursuant to Section 11-503 of this Article, the Community Development Director shall, not later than the time set pursuant to Subsection B of this Section for giving public notice, refer such application to all appropriate City Commissions and Departments.
- (b) Review and Comments. Each City Commission and Department to which an application is referred pursuant to this Subsection shall review such application and submit its comments thereon to the Community Development Director.

D. Conduct of Hearings.

1. Rights of All Persons. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the hearing body may exclude irrelevant, immaterial or unduly repetitious evidence.
  
2. Rights of Parties and Proximate Owners. The applicant and, subject to restrictions imposed by the Oak Forest Ethics Code, any Board, Commission, Department or Official of the City, and any property owner entitled to written notice pursuant to Subparagraph b3(b)(2) of this Section, may, subject to the discretion of the hearing body, in addition to the rights granted by Paragraph D1 above, be allowed any or all of the following rights:
  - (a) To present witnesses on their behalf;
  - (b) To cross-examine all witnesses testifying in opposition to their position;
  - (c) To examine and reproduce any documents produced at the hearing;
  - (d) To have subpoenas issued by the body in charge of the hearing for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing, where such persons or documents are shown to have a substantial evidentiary connection with:
    - (i) The property to which the request applies; or
    - (ii) Facts that would support or negate the legal standards for granting the request; and
  - (e) To be granted, upon request, a continuance for the purpose of presenting evidence to rebut evidence introduced by any other person.

In granting or withholding such rights, the discretion of the hearing body shall be governed by the goal of securing all information and opinion relevant and material to its deliberations. Such rights shall not, however, be granted where undue and unwarranted delay would result, or where to do so would tend to produce no new evidence to aid the hearing body in reaching its decision.

3. Adjournment of Hearing. The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time, and to a fixed date, time and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further or for such other reason as the body finds to be sufficient. The Community Development Director shall notify in writing all members of the hearing body, all parties to the hearing, and any other person designated on the vote of adjournment, of the date, time and place of the adjourned hearing.

4. Testimony to be Sworn. All testimony at any hearing held pursuant to the provisions of this Code shall be given under oath.
  5. Right to Submit Written Statements. Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing or within such time as may be allowed by the hearing body following such hearing, submit written statements in support of or in opposition to the application being heard. Such statements shall be subscribed and sworn before an officer authorized to administer oaths and shall be a part of the public record of the hearing.
  6. Board or Commission Rules to Govern. All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Code pertaining to, and the rules promulgated by, the body conducting the hearing.
- E. Pre-hearing and Pre-meeting Examination and Copying of Application and Other Documents. At any time following the giving of notice as required in Subsection B of this Section, and upon reasonable request, any person may examine the application and, subject to the exceptions set forth in the Illinois Freedom of Information Act, all other documents on file with the Office of the Community Development Director, pertaining to the matter subject to such notice. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established from time to time by the Community Development Director to cover the cost of such copies.

## PART III - ZONING CERTIFICATES

### 11-301: CERTIFICATE OF ZONING COMPLIANCE

- A. Authority. The Community Development Director shall have authority to issue Certificates of Zoning Compliance, but only in accordance with the provisions of this Section.
- B. Purpose. The Certificate of Zoning Compliance is intended to serve two general purposes. First, it provides a procedure for reviewing plans for conformance with this Code and a means for evidencing such conformance. Second, it serves as an adjunct to, and this must be filed prior to or with, all other applications filed pursuant to this Code with respect to a specific use or development proposal. When so filed, it serves as a vehicle for routine plan review by the Community Development Director prior to consideration of special requests by other Officials, Boards and Commissions, thus avoiding needless special reviews of defective plans.
- C. Certificate Required. Except where expressly waived by another provision of this Code, unless a Certificate of Zoning Compliance shall have first been obtained from the Community Development Director:
1. The construction, reconstruction, remodeling, alteration or moving of any structure shall not be commenced;
  2. No land vacant on the effective date of this Code shall be used or occupied for any purpose, except the raising of crops;
  3. The grading, excavation or improvement of land preliminary to any construction on or use of such land shall not be commenced; and
  4. Building or other permits pertaining to the construction, reconstruction, remodeling, alteration or moving of any structure or the use of any land or structure shall not be issued by the City.
- In any case where a Certificate of Zoning Compliance is not required under this Code, the Community Development Director shall, upon written request, issue a certificate of such fact.
- D. Procedure.
1. Application. Applications for Certificates of Zoning Compliance shall be filed in accordance with the requirements of Section 11-201 of this Article.
  2. Action on Application. Within ten (10) days following receipt of a completed application for a Certificate of Zoning Compliance, the Community Development Director shall cause the application and related submissions to be reviewed for compliance with this Code and shall inform the applicant whether the application has been granted or denied.

In any case where an application is granted, the Community Development Director shall issue a Certificate of Zoning Compliance, with shall state on its face, in bold type, that:

“THIS CERTIFICATE DOES NOT SIGNIFY BUILDING CODE REVIEW OR APPROVAL AND IS NOT AUTHORIZATION TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE EITHER IS REQUIRED. SEE OAK FOREST BUILDING CODE FOR DETAILS.

BEFORE ANY STRUCTURE TO WHICH THIS CERTIFICATE IS APPLICABLE MAY BE OCCUPIED OR USED FOR ANY PURPOSE, A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED.”

In any case where an application is denied, the Community Development Director shall state specific reasons therefore and shall cite the specific provisions of this Code upon which such denial is based. If relief from such demand would be available pursuant to a companion application filed in connection with the application for a Certificate of Zoning Compliance, the Community Development Director shall so inform the applicant and shall promptly process such companion application. If such application is approved, the Director shall issue the requested Certificate of Zoning Compliance in accordance with the terms and conditions of such approval.

If relief from the Director’s denial of a Certificate of Zoning Compliance would be available by variation, special permit or site plan review, but no application therefore has been filed, the Community Development Director shall so state and shall refer the applicant to the appropriate provisions of this Code.

3. Contents of Certificate. Each Certificate of Zoning Compliance issued pursuant to this Section shall state the specific use of the subject property for which it is issued; shall identify the specific plans; if any, pursuant to which it is issued; and shall set forth any conditions imposed in connection with any approval granted pursuant to this Code.
  4. Filing of Certificates. Every Certificate issued pursuant to this Section shall be kept on file in the Office of the Community Development Director and shall be a public record open to inspection in accordance with the provisions of the Illinois Freedom of Information Act.
- E. Effect of Issuance of Certificate of Zoning Compliance. The issuance of a Certificate of Zoning Compliance shall not authorize the establishment, expansion or extension of any use nor the development, construction, relocation, alteration or moving of building or structure, but shall merely authorize the preparation, filing and processing of applications for any additional permits and approvals that may be required by the codes and ordinances of the City, including, but not limited to, a Building Permit, a Certificate of Occupancy and Subdivision Approval.
- F. Limitations on Certificates. Subject to an extension of time granted by the Community Development Director pursuant to Subsection 11-101 L of this Article, a Certificate of Zoning Compliance shall become null and void six months after the date on which it was

issued unless within such period construction, reconstruction, remodeling, alteration or moving of a structure is commenced or a use is commenced.

- G. Void Certificates. Any Certificate of Zoning Compliance issued in violation of the provisions of this Code, whether intentionally, negligently or innocently, shall be void ab initio and shall give rise to no rights whatsoever.

## PART IV - INTERPRETATIONS, APPEAL AND VARIATIONS

### 11-401: INTERPRETATIONS

- A. Authority. The Community Development Director may, subject to the procedures, standards and limitations of this Section, render interpretations, including use interpretations, of the provisions of this Code and of any rule or regulation issued pursuant to it.
- B. Purpose. The interpretation authority established by this Section is intended to recognize that the provisions of this Code though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations can, however, be readily addressed by an interpretation of the specific provisions of this Code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Code but, rather, it is not intended only to allow authoritative application of that content to specific cases.
- C. Parties Entitled to Seek Interpretations. Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.
- D. Procedure.
1. Application. Applications for interpretations of this Code shall be filed in accordance with the requirements of Section 11-301 of this Article.
  2. Action on Application. Within 35 days following the receipt of a properly completed application for interpretation, the Community Development Director shall inform the applicant in writing of his interpretation, stating the specific precedent, reasons and analysis upon which the determination is based.  
  
The failure of the Community Development Director to act within 35 days, or such further time to which the applicant can agree, shall be deemed to be a decision denying the application rendered on the day following such 35 day period.
  3. Appeal. Appeals from interpretations rendered by the Community Development Director may be taken to the Zoning Board of Appeals as provided in Section 11-402 of this Article.
- E. Standards for Use Interpretations. The following standards shall govern the Community Development Director, and the Planning and Zoning Commission on appeals from the Community Development Director, in issuing use interpretations:
1. No use interpretation shall be given with respect to the R1 through R6 Residential District.

2. Any use defined in Section 12-206 of this Code shall be interpreted as therein defined.
  3. No use interpretation shall permit a use listed as a permitted or special permit use in any district to be established in any district in which such use is not so listed.
  4. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.
  5. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.
  6. If the proposed use is most similar to a use permitted only as a special permit use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a Special Use Permit for such use pursuant to Section 11-502 of this Article.
  7. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.
  8. Subject to the foregoing conditions and limitations, in rendering use interpretations the Community Development Director shall be guided by the North American Industry Classification System, as amended by the City (see Appendix A) and the use classification methodology used therein.
- F. Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of Applications for any Permits and Approvals that may be required by the codes and ordinances of the City, including, but not limited to, a Special Use Permit, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, Subdivision Approval and Site Plan Approval.
- G. Limitations on Favorable Use Interpretations. Subject to an extension of time granted by the Community Development Director pursuant to Subsection 11-101 L of this Article, no use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be valid for a period longer than six months from the date of issue unless a building permit is issued, and construction is actually begun within that period and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

A use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be deemed to authorize only the particular use for which it was issued, and such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire

and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of six consecutive months or more.

## **11-402: APPEALS**

- A. Authority. Except as provided in Subparagraph 11-504 E1(d) of this Article with regard to site plan review appeals, the Planning and Zoning Commission shall hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Community Development Director acting pursuant to his authority and duties under this Code and to that end the Board of Appeals shall have the same powers and be subject to the same standards and limitations as the Community Development Director with respect to any order, decision or determination being appealed.
- B. Purpose. The appeal procedure is provided as a safeguard against arbitrary, ill-considered or erroneous administrative decisions. It is intended to avoid the need for resort to legal action by providing a local procedure for the review and correction of administrative errors. It is not, however, intended as a means to subvert either the clear purposes, intent or meaning of this Code or the rightful authority of the Community Development Director to enforce this Code. To these ends, the reviewing body should give all proper deference to the spirit and language of this Code and to the reasonable interpretations of those charged with its administration.
- C. Parties Entitled to Appeal. An application for appeal to the Planning and Zoning Commission may be filed by any person aggrieved or adversely affected by an order, decision, determination or failure to act of the Community Development Director acting pursuant to his authority and duties under this Code.
- D. Procedure.
1. Application. An application for appeal to the Planning and Zoning Commission shall be filed not later than 45 days following the action being appealed and in accordance with the requirements of Section 11-201 if this Article.
  2. Action by Community Development Director. Upon receipt of a properly completed application for an appeal, the Community Development Director shall forthwith transmit to the Planning and Zoning Commission the application together with all papers constituting the record upon which the action appealed from was taken.
  3. Public Hearing. A public hearing shall be set, noticed and conducted by the Board of Appeals in accordance with Section 11-203 of this Article.
  4. Action by Planning and Zoning Commission. Within thirty (30) days following the close of the public hearing the Planning and Zoning Commission shall render a decision on the appeal in the manner and form specified in Subsection 11-103 B of this Article. Such decision may reverse, affirm or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the Planning and Zoning Commission, is proper to be made in the premises.

The failure of the Planning and Zoning Commission to act within such thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the appeal.

- E. Stay of Proceedings. An application for appeal properly filed pursuant to Subsection D above shall stay all proceedings in the furtherance of the action appealed from, unless the Community Development Director certifies to the Planning and Zoning Commission after the application for appeal has been filed with the Director that, by reason of facts stated in the certificate, a stay would, in the Director's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the Planning and Zoning Commission or by the Circuit Court on application, upon reasonable written notice to the Community Development Director and on due cause shown.
- F. Right to Grant Variation in Deciding Appeals. In any case where the application for appeal is accompanied by an application for variation in accordance with Section 11-403 of this Article, the Planning and Zoning Commission shall have the authority to grant, as part of the relief, a variation but only in strict compliance with each provision of said Section 11-403.
- G. Conditions and Limitations on Rights Granted by Appeal. In any case where this Code imposes conditions and limitations upon any right, any such right granted by the Planning and Zoning Commission on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

## 11-403: VARIATIONS

- A. Authority. The Planning and Zoning Commission shall have the authority to grant variations from the provisions of this Code under Paragraph E1 of this Section. The City Council shall have the authority to grant variations under Paragraph E2 of this Section.
- B. Purpose. The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Code that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this Article XI, the variation procedure is necessarily inappropriate.
- C. Parties Entitled to Seek Variations. Applications for variations may be filed by the owner of, or any person having a contractual interest in, the subject property.
- D. Procedure.
1. Application. Applications for variations shall be filed in accordance with the requirements of Paragraph 11-201 E5 of this Article.
  2. Public Hearing. A public hearing shall be set, noticed and conducted by the Planning and Zoning Commission in accordance with Section 11-203 of this Article.
  3. Action by Planning and Zoning Commission. In the cases specified in Paragraph 11-403 E1, within 21 days following the close of the public hearing, the Planning and Zoning Commission shall render its decision, granting or denying the variation, in the manner and form specified by Subsection 11-103 B of this Article.

The failure of the Planning and Zoning Commission to act within 21 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the variation.

In the cases specified in Paragraph D4 of this Subsection and in Paragraph 11-403 E2, the Planning and Zoning Commission shall transmit to the City Council its recommendation in a form specified by Subsection 11-103 B of this Article, recommending either granting the application for a variation; granting the application subject to conditions; or denying the application.

4. Action by City Council. Within sixty (60) days following the receipt of the recommendation of the Planning and Zoning Commission, or its failure to act as above provided, the City Council shall either deny the application or, by ordinance duly adopted, shall grant the variation, with or without modifications or conditions.
5. Special Procedures in Connection With Other Applications. Whenever any other application is filed pursuant to this Code or the Oak Forest Subdivision and Development Code (2014) as a companion to an application for a variation and such companion application requires final approval by the City Council, the authority to hear and decide the application for variation otherwise delegated to the Planning and Zoning Commission pursuant to this Section may, pursuant to the

request of the applicant or the Community Development Director made at the time of the filing of the applicant's application, be reserved to the City Council. Whenever any application for a variation requires final approval by the City Council, the authority to decide the application for variation shall be reserved to the City Council. For such purposes, the City Council shall have all of the authority granted to, and shall be subject to all of the limitations imposed on, the Planning and Zoning Commission by this Section; provided, however, that the provisions governing public notice and hearing of, and action on, the companion application or the provisions of Paragraphs D2 and D3 of this Section that provide the broadest public notice shall govern.

E. Permitted Variations.

1. Permitted Variations as approved by the Planning and Zoning Commission. The Planning and Zoning Commission may vary the provisions of this Code in the following cases and in no others, in accordance with Subsection D above.
  - (a) To reduce the dimension of any required setback of a lot of record existing at the time that the application for the variation is submitted;
  - (b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 90 percent of the required area and width, and only on a lot of record existing at the time that the application for the variation is submitted;
  - (c) To increase the maximum allowable height of any fence;
  - (d) To reduce by not more than 25 percent, or one space, whichever is greater, the minimum number of off-street parking spaces or loading spaces otherwise required;
  - (e) To increase by not more than one sign the maximum number of signs of any functional type otherwise allowed;
  - (f) To allow illumination of residential recreational facilities;
  - (g) To allow the moving of a pre-code structure to an extent or in a manner not permitted by Subsection 10-104 B of this Code;
  - (h) To allow the otherwise prohibited restoration of a partially damaged or destroyed pre-code structure or structure devoted to a nonconforming use;
  - (i) To allow setback variations in excess of those permitted by Section 10-105 of this Code in connection with the development of a legal nonconforming lot of record;
  - (j) To increase, by not more than five (5) feet or not more than one (1) story or both, the maximum allowable height of a principal residential structure in the R4 Neighborhood Residential District (provided that in no event shall

the maximum allowable height with such a variation exceed 35 feet or three stories, whichever is less) where such structure meets all of the following conditions: (i) it is to be located in whole or in part in the flood plain, (ii) it is a replacement for a residential structure that was destroyed or damaged, by any means not within the control of the owner thereof, to the extent of fifty percent or more of the market value of the structure, (iii) it is a replacement for a residential structure that had a basement prior to such damage or destruction, and (iv) a basement cannot be constructed in the replacement structure because the lowest floor of such structure is required by this Code or other applicable law to be constructed at or above the base flood elevation.

- (k) To reduce the bulk, setback, and space requirements when a zoning lot, whether vacant or legally used, is reduced in size, by reason of the exercise of the right of eminent domain by an authorized governmental body or by reason of a conveyance made under the specific threat of an eminent domain proceeding, so that the remainder of said zoning lot, or any structure or use on said zoning lot, does not conform with one or more of such bulk, setback, or space requirements of the district in which said zoning lot is located.
- (l) To permit the use of one or more residential lots for a use otherwise prohibited solely because of the insufficient width of the lot or lots, where:
  - (i) The application for a proposed subdivision is submitted concurrently with the application for variation;
  - (ii) The width of the lot or lots for which the variation is sought is not less than 75 percent of the required width;
  - (iii) The area of the lots for which a variation is sought is not less than 115 percent of the required lot area; and
  - (iv) The lot width of the lots created by the proposed subdivision is not less than the lot width of 75 percent of the remaining lots along the same frontage as the proposed new lots.

Any variation granted pursuant to this Subparagraph shall run only to the applicant, as a personal privilege.

- (m) To increase the maximum height of an alteration to, or enlargement of, a principal single family detached residential pre-code structure located in a neighborhood residential district authorized pursuant to Paragraph 10-104 B2 of this Code, but in no event to a height exceeding the otherwise applicable district height limitations.
- (n) To permit fences in front yards—of properties within neighborhood residential districts no greater than three (3) feet in height.
- (o) To permit fences in front and corner yard of properties within all other districts no greater than three (3) feet in height.

- (p) To allow a setback for a ground sign less than that required by Section 9-106 of this Code.
  - (q) To allow the area, width, or height of a sign to be increased by up to 25% of the maximum allowable height, width, or facing.
  - (r) To increase the amount of allowed residential driveways by one.
  - (s) To increase the allowed width of a residential driveway to no greater than 35 feet at the street.
2. Permitted Variations as approved by the City Council. Subject to the prohibitions set forth in Paragraph E4 below, and subject to the other provisions of this Section, the City Council may vary any of the provisions of this Code in accordance with Subsection D above.
  3. Administrative Variations. A request to reduce the minimum front, side or rear setback requirement, or to increase the maximum height requirement of accessory structures, by less than twelve (12) inches may be approved by the Community Development Director or his/her designee.
  4. Prohibited Variations. Notwithstanding any other provision of this Section, no variation shall be granted that:
    - (a) Is intended as a temporary measure only; or
    - (b) Is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the applicant.

F. Standards for Variations.

1. General Standard. No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection F.
2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by

natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
  5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.
  6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.
  7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:
    - (a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
    - (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;
    - (c) Would substantially increase congestion in the public streets due to traffic or parking;
    - (d) Would unduly increase the danger of flood or fire;
    - (e) Would unduly tax public utilities and facilities in the area; or
    - (f) Would endanger the public health and safety.
  8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.
- G. Variation Less Than Requested. A variation less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.
- H. Conditions on Variations. The Zoning Board of Appeals may impose such specific conditions and limitations concerning use, construction, character, location, landscaping,

screening and other matters relating to the purposes and objectives of this Code upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variation. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the variation.

- I. Affidavit of Compliance with Conditions; Fee. Whenever any variation authorized pursuant to this Section is made subject to conditions and limitations to be met by the applicant, the applicant shall upon meeting such conditions file an affidavit with the Community Development Director so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Community Development Director, to recover the City's actual direct cost of an inspection to verify that such conditions and limitations have been met.
- J. Effect of Grant of Variation. The grant of a variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of applications for any permits and approval that may be required by the Codes and Ordinances of the City, including, but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, Subdivision Approval and Site Plan Approval.
- K. Limitations on Variations. Subject to an extension of time granted by the Community Development Director or City Council pursuant to Subsection 11-101 L of this Article, no variation from the provisions of this Code shall be valid for a period longer than 180 days, and no variation from the provisions of this Code that is granted concurrently with a special permit shall be valid for a period longer than one year, unless a building permit is issued and construction has actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use is commenced within that period. Variations granted pursuant to Subparagraph 11-403 E2(a) of this Article shall be valid for a period that is coterminous with the period that the tentative subdivision plat is valid under the Oak Forest Subdivision and Development Code (2014), and shall be deemed final variations that run with the land only after recordation of a duly approved final subdivision plat.

A variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six months following such removal.

## PART V - AMENDMENTS AND SPECIAL APPROVALS

### 11-501: AMENDMENTS

- A. Authority. This Code and the Zoning Map may be amended from time to time by ordinance duly enacted by the City Council in accordance with the procedures set out in this Section.
- B. Purpose. The amendment process established by this Section is intended to provide a means for making changes in the text of this Code and in the Zoning Map that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this Code and Zoning Map in light of changing, newly discovered or newly important conditions, situations or knowledge.
- C. Parties Entitled to Seek Amendments. An application for an amendment may be filed by the City Council, the Planning and Zoning Commission, the owner of, or any person having a contractual interest in, any property to be affected by a proposed amendment to the Zoning Map, or any person interested in a proposed amendment to the text of this Code.
- D. Procedure.
1. Formal Application. A formal application for an amendment to this Code or the Zoning Map shall be filed in accordance with the requirements of Paragraph 11-201 E6 of this article for a code amendment and 11-201E8 of this Article for a map amendment. Except as expressly provided otherwise herein, no application for an amendment to this Code or to the Zoning Map shall be filed unless the Community Development Director shall have first reviewed an application for such amendment in accordance with Subsection 11-101(F) of this Code.
  2. Referral. The failure of the Community Development Director to act on a properly filed and completed formal application within 30 days of his or her receipt thereof shall be deemed to be a decision to refer the application pursuant to this Subparagraph.
  3. Public Hearing. In any case where a formal application for an amendment to this Code or the Zoning Map is referred by the Community Development Director pursuant to Subsection 11-101(F), a public hearing shall be set, noticed, and conducted by the Planning and Zoning Commission in accordance with Section 11-203 of the Article.
  4. Action by Planning and Zoning Commission. Within 21 days following the conclusion of the public hearing, the Planning and Zoning Commission shall transmit to the City Council its recommendation in the form specified by Subsection 11-104 B of this Article.

The failure of the Commission to act within 21 days following the conclusion of such hearing, or such further time to which the applicant may agree, shall be deemed a recommendation for the denial of the proposed amendment as submitted.

5. Action by City Council; Protest. Within sixty (60) days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the City Council shall either deny the application or, by ordinance duly adopted, adopt the proposed amendment, with or without modifications; provided, however, that in the event a duly signed and acknowledged protest against a proposed amendment is filed with the City Clerk before the adoption of such amendment by the owners of twenty percent (20%) or more of the frontage to be affected by the proposed amendment, or by the owners of twenty percent (20%) or more of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) or more of the frontage directly opposite the frontage to be affected, such amendment shall not be passed except by a two-thirds vote of the City Council.

The failure of the City Council to act within sixty (60) days or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.

- E. Standard for Amendments. The wisdom of amending the Zoning Map or the text of this Code is a matter committed to the legislative discretion of the City Council and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the Board should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board should weigh the following factors:

1. The consistency of the proposed amendment with the purposes of this Code.
2. The community need for the proposed amendment and for the uses and development it would allow.
3. If a specific parcel of property is the subject of the proposed amendment, then the following factors:
  - (a) Existing Uses And Classifications: the existing uses and zoning classifications for properties in the immediate vicinity of the subject property.
  - (b) Trend Of Development: the trend of development in the immediate vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.
  - (c) Diminution Of Values: the extent to which the value of the subject property is diminished by the existing zoning classification applicable to it.
  - (d) Increase In Health, Safety, And Welfare: the extent, to which any such diminution in value is offset by an increase in the public health, safety, and welfare.
  - (e) Effects On Adjacent Properties: the extent to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.

- (f) Value Of Adjacent Properties: the extent to which the value of adjacent properties would be affected by the proposed amendment.
- (g) Future Development: the extent to which the future orderly development of adjacent properties would be affected by the proposed amendment.
- (h) Suitability Of Text Amendment: the suitability of the proposed text amendment for the zoning district in which the amendment is being proposed.
- (i) Ingress And Egress: the availability, where relevant, of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.
- (j) Utilities And Services: the availability, where relevant, of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present zoning classification.
- (k) Length Of Vacancy: the length of time that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
- (l) Positive Effect: the proposed amendment creating a positive effect for the zoning district, its purposes, and adjacent properties shall be placed before the benefits of the petitioner.

## 11-502: SPECIAL USE PERMITS

- A. Authority. The City Council may, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, grant special use permits authorizing the development of uses listed as special uses in the regulations applicable to the district in which the subject property is located.
- B. Purpose. Special uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.
- C. Parties Entitled to Seek Special Use Permits. An application for a special use permit may be filed by the owner of, or any person having a contractual interest in, the subject property.
- D. Procedure.
1. Application. An application for a special use permit shall be filed in accordance with the requirements of Paragraph 11-201 E7 of this Article. Except as expressly provided otherwise herein, no application for a special use permit shall proceed to a public hearing until unless the Community Development Director has first reviewed the said application in accordance with Subsection 11-101(F) and determined that it is in proper form.
  2. Board Referral. The failure of the Community Development Director to act on a properly filed and completed application within 30 days of his or her receipt thereof shall be deemed to be a decision to refer the application pursuant to this Subparagraph.
  3. Public Hearing. In any case where a formal application for a special use permit is referred by the Community Development Director pursuant to Subsection 11-101(F), a public hearing shall be set, noticed and conducted by the Planning and Zoning Commission in accordance with Section 11-203 of this Article.
  4. Action by Planning and Zoning Commission. Within 21 days following conclusion of the public hearing, the Planning and Zoning Commission shall transmit to the City Council its recommendation in a form specified by Subsection 11-104 B of this Article, recommending either granting the application for a special use permit; granting the application subject to conditions, as specified in Subsection F below; or denying the application.  
  
The failure of the Planning and Zoning Commission to act within 21 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the denial of the proposed special use permit.
  5. Action by City Council; Protest. Within sixty (60) days following the receipt of the recommendation of the Planning and Zoning Commission, or its failure to act as above provided, the City Council shall either deny the application or, by ordinance duly adopted, shall grant the special use permit, with or without

modifications or conditions; provided, however, that in the event a duly signed and acknowledged protest against the proposed special use permit is filed with the City Clerk by the owners of twenty percent (20%) or more of the frontage to be affected by the proposed special use permit, or by the owners of twenty percent (20%) or more of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) or more of the frontage directly opposite the frontage to be affected, such ordinance shall not be adopted except by a two-thirds vote of the City Council.

E. Standards for Special Use Permits.

1. General Standards. No special use permit shall be recommended or granted pursuant to this Section unless the applicant shall establish that:
  - (a) Code and Plan Purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.
  - (b) No Undue Adverse Impact. The proposed use, drainage and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare.
  - (c) No Interference With Surrounding Development. The proposed use and development will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
  - (d) Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.
  - (e) No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
  - (f) No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic feature of significant importance.
  - (g) Compliance With Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.
2. Special Standards for Specified Special Uses. Where the district regulations authorizing any special use in a particular district impose special standards to be

met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

3. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Planning and Zoning Commission shall consider:
  - (a) Public Benefit. Whether, and to what extent, the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community; and
  - (b) Mitigation of Adverse Impacts. Whether, and to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping and screening.

F. Conditions; Periodic Review; Term.

1. Conditions on Special Use Permits. In order to prevent or minimize substantial or undue adverse effects upon neighboring and adjacent properties and improvements, substantial or undue or upon public facilities and services, the Plan Commission may recommend, and the City Council may impose, and expressly include in the ordinance granting a special use permit, conditions and limitations upon the premises benefited by a special use permit. Such conditions, restrictions, and limitations may include, without limitation, the following:
  - (a) limitations and restrictions of the use of the subject property;
  - (b) restrictions on construction activity that will occur on and around the subject property;
  - (c) conditions concerning the character and design of the proposed use and development;
  - (d) the location of the use within the subject property;
  - (e) the provision of landscaping and screening, with specificity as to design, quantity, quality, size and location;
  - (f) restrictions on the hours of operation of the use;
  - (g) a requirement that the subject property be developed and used in strict accordance with a site plan that is attached to the ordinance granting the special permit; and
  - (h) any other matters relating to the purposes and objectives of this Code.

2. Violation of Conditions. Violation of any of the conditions imposed pursuant to Paragraph 11-502 F1 of this Code shall be a violation of this Code and shall constitute grounds for revocation of the special use permit.
  3. Periodic Review. The Planning and Zoning Commission may recommend, and the City Council may impose, a requirement that the special use permit be publicly reviewed periodically pursuant to and in accordance with such procedures as are set forth in the ordinance granting the special use permit. In every instance, such procedures shall provide the applicant with advance notice of, and an opportunity to be heard at, such periodic review.
  4. Term of Special Use Permit. Because of the unique operational nature, and potential unknown adverse impacts, of certain special uses, the Planning and Zoning Commission may recommend, and the City Council may impose, a term limitation on the duration of certain special uses. Such term limitation shall (a) be set forth in the ordinance granting the special use permit and (b) shall be subject to renewal in accordance with Subsection 11-502 L of this Code.
- G. Affidavit of Compliance With Conditions. Whenever any special use permit granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Community Development Director so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Community Development Director, to recover the City's actual direct cost of an inspection to verify that such conditions and limitations have been met.
- H. Effect of Issuance of a Special Use Permit. The granting of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the Codes and Ordinances of the City, including but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy and subdivision approval.
- I. Limitations on Special Use Permits. Subject to an extension of time granted by the Community Development Director pursuant to Subsection 11-101 L of this Article, no special use permit shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is there-after diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period. A special use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twelve (12) consecutive months or more. Except when otherwise provided in the Ordinance granting a special use permit, a special use permit shall be deemed to relate to, and be for the benefit of, the current owner or operator of the use or lot in question rather than to the lot itself. Should a new owner or operator purchase the real property and seek to operate the special use in a manner that is in substantial conformance with that of the prior operation, then the new owner or operator shall be allowed to submit a written request to

the Community Development Director for a Transfer of Special Use Permit in accordance with Subsection J below.

J. Transfer of Special Use Permit. A request for Transfer of Special Use Permit shall be filed on an application as provided by the Community Development Director. Within 21 days of receiving a complete application, the Community Development Director shall have the sole discretion to approve, approve with conditions, or deny the application subject to the requirements of this Subsection J.

1. Affidavit of Acknowledgement and Compliance Agreement. The new owner or operator shall, as part of the application for Transfer of Special Use Permit, submit a signed and notarized affidavit in a form provided by the Community Development Director affirming the following:

- (a) That the new owner or operator is aware of and in agreement with all of the conditions imposed on the original special use permit as approved.
- (b) That the new owner or operator shall not affect or increase the intensity of the original operation.
- (c) That the Transfer of Special Use Permit shall be null and void in accordance with Paragraph F2 of this Section.
- (d) That the new owner or operator agrees to comply with Sections 9-104 (Off-Street Parking) and 9-107 (Buffers and Landscaping) of this Code is directed to do so by the Community Development Director prior to Certificate of Occupancy issuance.

2. Request for Minor Change as Part of Transfer of Special Use Permit. Should the new owner or operator decline to sign an affidavit as described above, or if the Community Development Director denies an application, the new owner or operator may file a request for a Minor or Major Amendment in accordance with Subsection K below.

K. Amendments to Special Use Permits. A special use permit may be amended, varied or altered only as follows:

1. Major Amendments to Special Use Permits. Major amendments are modifications which alter the concept, intent, or intensity of the special use. Any one of the following shall be considered a major amendment to a special use. Requests for major amendments shall be reviewed in accordance with Subsection D of this Section. These amendments shall include, but not be limited to:

- (a) Significant changes to the parking location, access plan, building or parking setback areas, or landscaping plans which alter the intent or concept of the special use approved for the site as determined by the Community Development Director. Such significant changes shall include, but not be limited to: relocating the parking location from the rear of the building to either side of the building or to the front; relocating the building from the center of the site to the front, rear, or side of the site; enlarging or reducing

any front, side, or rear setbacks by more than twenty percent (20%); eliminating any previously required landscaping serving as screening of the special use from adjacent properties; and adding or eliminating any point of ingress or egress to and from the site which changes the circulation of the site internally and the impact of the use on the transportation system.

- (b) Any increase in the intensity of the special use which alters the intent or concept of the special use. Such an increase in the intensity shall include, but not be limited to: an increase in the number of vehicles to be served on a site at one time; an increase in the maximum number of customers to be served; and an increase in the net floor area by greater than twenty percent (20%).

2. Minor Amendments to Special Use Permits. Minor amendments are modifications not defined as major amendments and do not alter the concept, intent, or intensity of the special use. Requests for minor amendments shall be reviewed in accordance with Section 11-203 of this Code, with the Planning and Zoning Commission making a final determination within 21 days of the close of the public hearing, either granting the application for a minor amendment; granting the application subject to conditions, as specified in Subsection F above; or denying the application. These amendments shall include:

- (a) Minor changes to the parking location, access plan, building or parking setback areas, or landscaping plans approved for the site as determined by the Community Development Director. Such minor changes shall include, but not be limited to: shifting the parking location internally within the site while maintaining the general siting and circulation; changes to the hours of operation if previously limited in the original special use permit; reducing the height or density of any previously approved landscaping or screening; and any changes that may be required that accommodate stormwater management facilities without altering the concept, intent, or intensity of the special use.
- (b) Any alteration of approved conditions applicable to the special use that would constitute a reduction to the mitigation of the potential negative impact the use would otherwise have on adjacent properties.

L. Renewal of Special Use Permits. The City Council may, in accordance with the procedures and standards set out in this Subsection, consider requests for renewal of special use permits. An application for the renewal of a special use permit must be filed by the party to whom a special use permit was granted, or a permitted successor thereto or assignee thereof, and must be filed prior to the date on which the term of the special use permit is scheduled to expire. The City Council may consider such request at a public hearing following notice pursuant to Subparagraph 11-203 B3(c) of this Code. The City Council may, but shall have no obligation to, seek the recommendation of another board or commission of the City prior to such consideration. In the event that the party requesting such renewal demonstrates, to the satisfaction of the City Council, that the standards and circumstances under which the special use permit was originally approved have not materially changed, then the City Council shall, by ordinance duly adopted, renew the

special use permit for the same period of time for which the special use permit was first valid. In the event that the City Council determines that the standards and circumstances under which the special use permit was originally approved have materially changed, the City Council shall have no obligation to renew the special use permit.

### **11-503: PLANNED DEVELOPMENTS**

A. Authority. The City Council may, in accordance with the procedures and standards set out in this Section, and by ordinance duly adopted, grant special permits authorizing the development of planned developments, but only in the districts where such developments are listed as an authorized special permit use.

B. Purpose. Planned developments are included in this Code as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses.

In particular, however, the planned development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in this Code in recognition of the fact that traditional regulations, which may be useful in protecting the character of substantially developed and stable areas, may impose inappropriate pre-regulations and rigidities upon the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach.

Through the flexibility of the planned development technique, the City seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict application of other City 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. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion.
4. Combination and coordination of architectural styles, building forms, and building relationships.
5. Provision for the preservation and beneficial use of open space.
6. An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.
7. Encouragement of land uses that promote the public health, safety and general welfare.

C. Parties Entitled to Seek Planned Development Approval. An application for special permit to permit a planned development may be filed by the owner of, or any person having a contractual interest in, the subject property.

D. Procedure.

1. Development Concept Plan.

- (a) Purpose. The Development Concept Plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character and nature of the entire proposed planned development without incurring undue cost. The Development Concept Plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest possible stage. In order to permit the City and the applicant to proceed with some assurance, approval of the Development Concept Plan binds the applicant and the City with respect to the following basic elements of development:
- (i) Categories of uses to be permitted;
  - (ii) General location of residential and nonresidential land uses;
  - (iii) Overall maximum density of residential uses and intensity of nonresidential uses;
  - (iv) General architectural style of the proposed development;
  - (v) General location and extent of public and private open space, including recreational amenities;
  - (vi) General location of vehicular and pedestrian circulation systems;
  - (vii) Staging of development; and
  - (viii) Nature, scope and extent of public dedications, improvements or contributions to be provided by the applicant.
- (b) Application. A formal application for approval of a Development Concept Plan shall be filed with the Community Development Director in accordance with the requirements of Paragraph 11-201 E9 of this Article. Except as expressly provided otherwise herein, no application for approval of a Development Concept Plan shall proceed to a public hearing until the Community Development Director has first reviewed the application and determined that it is in proper form.
- (c) Referral. After the Community Development Director has determined that an application for approval of a Development Concept Plan is in proper form, it shall be referred to the Planning and Zoning Commission for a public hearing. The failure of the Community Development Director to act on a properly filed and completed application within thirty (30) days of his or her receipt thereof, shall be deemed to be a decision to refer the application pursuant to this Subparagraph.
- (d) Public Hearing. In any case where an application for approval of a Development Concept Plan is referred by the Community Development Director pursuant to Subsection 11-101(F), a public hearing shall be set, noticed and conducted by the Planning and Zoning Commission in accordance with Section 11-203 of this Article.

- (e) Action by Planning and Zoning Commission. Within 21 days following the conclusion of the public hearing, the Planning and Zoning Commission shall transmit to the City Council its recommendation, in the form specified by Subsection 11-104 B of this Article that the Development Concept Plan either be approved, be approved subject to modifications, or not be approved.

The failure of the Planning and Zoning Commission to act within 21 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the denial of the Development Concept Plan as submitted.

- (f) Action by City Council. Within sixty (60) days following the receipt of the recommendation of the Planning and Zoning Commission, or its failure to act as above provided, the City Council shall either deny the application for approval of the Development Concept Plan; shall remand it back to the Planning and Zoning Commission for further consideration of specified matter; or shall, by resolution duly adopted, approve the Development Concept Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and refer the matter to the Community Development Director for processing of the Final Plan in accordance with Paragraph D2 of this Section.

The failure of the City Council to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the Development Concept Plan.

- (g) Coordination With Subdivision Ordinance. When a subdivision of land subject to the Oak Forest Subdivision Ordinance is proposed in connection with a planned development, review of the tentative plat of the proposed subdivision shall be carried out simultaneously with review of the Development Concept Plan.

- (h) Limitation on Development Concept Plan Approval. An application for Final Plan approval shall be filed in accordance with Paragraph D2 below within one year after the approval of the Development Concept Plan. Failure to file a Final Plan application within such period shall, unless an extension of time shall have been granted by the Community Development Director pursuant to Subsection 11-101 L of this Article, automatically render void the Development Concept Plan approval and all approvals of the planned development, and the Community Development Director shall, without further direction, initiate an appropriate application to revoke the Special Use Permit.

## 2. Final Plan.

- (a) Purpose. The Final Plan is intended to particularize, refine and implement the Development Concept Plan and to serve as a complete, thorough and permanent public record of the planned development and the manner in which it is to be developed.
- (b) Application. Upon approval of the Development Concept Plan, the applicant shall file an application for Final Plan approval with the Community Development Director in accordance with the requirements of Paragraph 11-201 E10 of this Article. Except as expressly provided otherwise herein, no application for approval of a Development Concept Plan shall proceed to a public hearing until the Community Development Director has first reviewed the application and determined that it is in proper form. The application shall refine, implement and be in substantial conformity with the approved Development Concept Plan.
- (c) Simultaneous Submission of Final Plan. The applicant may, at his option, submit a Final Plan for the proposed planned development pursuant to the requirements of Paragraph D2 simultaneously with the submission of the Development Concept Plan pursuant to the requirements of Paragraph D1 above. In such case, the applicant shall comply with all provisions of this Code applicable to submission of the Development Concept Plan and to submission of the Final Plan. The Planning and Zoning Commission and the City Council shall consider such plans simultaneously and shall grant or deny Final Plan Approval in accordance with the provisions of Paragraph D2.
- (d) Public Meeting. A public meeting shall be set, noticed and conducted by the Planning and Zoning Commission in accordance with Section 11-203 of this Article.
- (e) Coordination With Subdivision Ordinance. When a subdivision of land subject to the Oak Forest Subdivision Ordinance is proposed in connection with a planned development, review of the final plat of the proposed subdivision shall be carried out simultaneously with review of the Final Plan.
- (f) Phasing of Final Plan Approval. An application for Final Plan approval may include the entire area included in the approved Development Concept Plan or one or more phases, stages or units thereof; provided, however, that the following matters must be addressed and provide in the first phase, stage or unit submitted for Final Plan approval:
  - (i) All public improvements required or proposed for the entire area included in the approved Development Concept Plan.
  - (ii) All open space required or proposed for the entire area included in the approved Development Concept Plan.
  - (iii) All land dedications required or proposed for the entire area included in the approved Development Concept Plan.
  - (iv) The payment of all fees required by this Code.

(g) Action by Planning and Zoning Commission.

- (i) Evaluation. Within sixty (60) days following the filing of an application for approval of a Final Plan, the Planning and Zoning Commission shall with such aid and advice of such City staff and consultants as may be appropriate, review and act on the plan. Such review shall consider:
- (1) Whether the Final Plan is in substantial conformity with the approved Development Concept Plan;
  - (2) The merit or lack of merit of any departure of the Final Plan from substantial conformity with the approved Development Concept Plan;
  - (3) Whether the Final Plan complies with any and all conditions imposed by the approval of the Development Concept Plan; and
  - (4) Whether the Final Plan complies with the provisions of this Code and all other applicable federal, state and City codes, ordinances and regulations.
- (ii) Approval Based on Substantial Conformity. If the Planning and Zoning Commission finds substantial conformity between the Final Plan and the approved Development Concept Plan and further finds the Final Plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the Development Concept Plan and with the provisions of this Code and all other applicable federal, state and City codes, ordinances and regulations, it shall transmit the plan to the City Council with its recommendation, in the form specified in Subsection 11-104 B of this Article, that the Board approve the Final Plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
- (iii) Recommendation of Denial. In any case where the Planning and Zoning Commission finds that the Final Plan is not in substantial conformity with the approved Development Concept Plan and does not merit approval, or in any case where it requires modifications of a plan that are not accepted by the applicant, the Planning and Zoning Commission shall transmit the plan to the City Council together with its recommendation and specific reasons in support of its recommendation, in the form specified in Subsection 11-104 B of this Article, that the Final Plan not be approved.
- (iv) Failure to Act. The failure of the Planning and Zoning Commission to act within the 60 day period specified in Subparagraph D3(f)(i) of this section, or such further time to which the applicant may agree, shall be deemed to be a recommendation to the City Council to deny the Final Plan as submitted.

- (h) Action by City Council. Within sixty (60) days following the receipt of the recommendation of the Planning and Zoning Commission, or its failure to act as above provided, the City Council shall take action in accordance with the following Paragraphs:
- (i) Approval Based on Substantial Conformity. If the Planning and Zoning Commission has recommended approval of a Final Plan pursuant to Subparagraph D3(g)(ii) of this Section, the City Council shall, unless it specifically rejects one or more of the findings of the Planning and Zoning Commission on the basis of expressly stated reasons, approve the Final Plan by a duly adopted ordinance.
  - (ii) Approval Notwithstanding Planning and Zoning Commission Recommendation of Denial. If the Planning and Zoning Commission has recommended denial of a Final Plan pursuant to Subparagraph D3(g)(iii) of this Section, the City Council may, if it finds that the Final Plan merits approval and otherwise conforms to the requirements of this Code, approve the Final Plan by a duly adopted ordinance.
  - (iii) Referral Back to Planning and Zoning Commission. The City Council may refer the Final Plan back to the Planning and Zoning Commission for further consideration of specified matters.
  - (iv) Conditions on Final Plan Approval. The approval of any Final Plan may, in addition, be granted, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
  - (v) Failure to Act. The failure of the City Council to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying Final Plan approval.
- (i) Recording of Final Plan. When a Final Plan is approved, the Community Development Director shall cause the Final Plan, or the portions thereof as are appropriate, to be recorded with the Recorder of Deeds of Cook County.
- (j) Limitation on Final Plan Approval. Construction shall commence in accordance with the approved Final Plan within one year after the approval of such Plan, or within such shorter time as may be established by the approved development schedule. Failure to commence construction within such period shall, unless an extension of time shall have been granted by the Community Development Director pursuant to Subsection 11-101 L of this Article, automatically render void the Final Plan approval and all approvals of the planned development and all permits based on such approvals, and the Community Development Director shall, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the Planned Development that have not yet been completed.

- (k) Building and Other Permits. Appropriate officials of the City may, upon, but not before, receiving notice from the Community Development Director that the documents required for Final Plan approval have been approved, and upon proper application by the applicant, issue building and other permits to the applicant for the development, construction and other work in the area encompassed by the approved Final Plan; provided however, that no permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the City, in addition to this Code, that are applicable to the permit sought have been satisfied.

Building permits may, however, be withheld at the discretion of the Community Development Director or the City Council at any time it is determined that the development of the planned development is not proceeding in strict compliance with the approved Final Plan.

E. Standards for Planned Developments.

1. Special Use Permit Standards. No special use permit for a planned development shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special uses pursuant to Section 11-502 of this Article.
2. Additional Standards for All Planned Developments. No special use permit for a planned development shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:
  - (a) Unified Ownership Required. The entire property proposed for planned development treatment shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.
  - (b) Minimum Area. The district regulations of this Code establishing standards for particular types of planned development specify the minimum area required for same planned development. In addition to meeting that specific standard, or where no specific standard is set, the applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned developments may be established pursuant to this Section.
  - (c) Covenants and Restrictions to be Enforceable by City. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed or released without the express consent of the City Council and

that they may be enforced by the City as well as by future landowners within the proposed development.

- (d) Public Open Space and Contributions. Whenever the Official Comprehensive Plan or Official Map indicates that development of a planned development will create a need for land for public purposes of the City within the proposed planned development, the City Council may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the City for such use. In addition, the City Council may require evidence that all requirements of City ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned development.
- (e) Common Open Space.
  - (i) Amount, Location and Use. The failure of a planned development to provide common open space shall be considered to be an indication that it has not satisfied the objectives for which such developments may be approved pursuant to this Code. When common open space is provided in a planned development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the Final Plan as appropriate to the intended leisure and recreational uses for which such open space is intended.
  - (ii) Preservation. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement or development other than that shown on the approved Final Plan. The restrictions must be permanent and not for a given period of years and must run with the land.
  - (iii) Ownership and Maintenance. The Final Plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance and operation in accordance with predetermined standards and to ensure that remedial measures will be available to the City if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned development or the City.
  - (iv) Property Owners' Association. When the requirements of the preceding Subparagraph are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:

- (1) The by-laws and rules of the association and all declarations, covenants and restrictions to be recorded must be approved as part of the Detailed Plan prior to becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this Subparagraph.
- (2) The association must be established and all covenants and restrictions recorded prior to the sale of any property within the area of the planned development designated to have the exclusive use of the proposed open space or improvements.
- (3) The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.
- (4) Membership in the association must be mandatory for each property owner, and any successive owner, having a right to the use or enjoyment of such open space or improvements.
- (5) Every property having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois.
- (6) The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than 51 percent of the members voting on the issue.
- (7) The City must be given the right to enforce the covenants.
- (8) The City must be given the right, after ten days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the City shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

(f) Landscaping and Perimeter Treatment. Any area of a planned development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures; setbacks; screening; or natural or manmade buffers. Every planned development shall provide a perimeter landscaped open space along each of its boundaries; each such open space shall have a minimum depth equal to the minimum applicable setback required in the district in which it is located.

(g) Private Streets. Private streets shall be permitted in a planned development provided that:

- (i) Said streets shall be treated as public streets and rights of way for purposes of all setback calculations under this Code.
- (ii) Said streets shall be owned and maintained by a property owners' association meeting the requirements set forth in Subparagraph E2(e)(4) above; and
- (iii) A covenant shall be recorded against the subject property acknowledging that the City shall at no time be under any obligation to provide maintenance for or accept dedication of said streets.

(h) Utilities. All utility lines shall be installed underground.

3. Additional Standards for Specific Planned Developments. Where the district regulations authorizing any planned development use in a particular district impose standards to be met by such planned development in such district, a special permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

F. Conditions on Planned Development Approvals. The approval of either a Development Concept Plan or a Final Plan may be conditioned on such matters as the approving body may find necessary to prevent or minimize any possible adverse effects of the proposed planned development; or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals and objectives of this Code, the Subdivision Ordinance and the Official Comprehensive Plan. Such conditions shall be expressly set forth in the ordinance or resolution granting the approval in question. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of all approvals granted for the planned development.

G. Affidavit of Compliance With Conditions; Fee. Whenever any planned development approval granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Community Development Director so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Community Development Director, to recover the City's actual direct cost of an inspection to verify that such conditions and limitations have been met.

H. Regulation During and Following Completion of Development. Following Final Plan approval, in the event of an express conflict between the provisions of the Final Plan and this Code, the Final Plan shall control. This Code shall control in all other instances.

I. Inspections During Development.

1. Inspections by Community Development Director. Following approval of the Final Plan of a planned development, or any stage thereof, the Community Development Director shall, at least annually until the completion of development, review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule.

2. Action by Community Development Director. If the Community Development Director finds that development is not proceeding in accordance with the approved

schedule, or that it fails in any other respect to comply with the Final Plan, the Community Development Director shall immediately notify the City Council of such fact and may, if necessary to protect the public health, safety or welfare or to prevent further violation of this Code and the Final Plan, issue an order stopping any and all work on the planned development until such time as any noncompliance is cured.

3. Action by City Council. Within sixty (60) days following notification by the Community Development Director, the City Council shall either:
  - (a) Take such steps as it deems necessary to compel compliance with the Final Plan; or
  - (b) Require the owner or applicant to seek an adjustment to the Final Plan as provided in Subsection J of this Section.

#### J. Adjustments to Final Plan During Development

1. Minor Adjustments. During the development of a planned development, the Community Development Director may authorize minor adjustments to the Final Plan when such adjustments appear necessary in light of the technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:
  - (a) Altering the location of any one structure or group of structures by not more than 5 feet or one-fourth of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the planned development, whichever is less;
  - (b) Altering the location of any circulation element by not more than five (5) feet or one-fourth of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less;
  - (c) Altering the location of any open space by not more than twenty (20) feet;
  - (d) Altering any final grade by not more than ten percent (10%) of the originally planned grade; and
  - (e) Altering the location or type of landscaping elements.
  - (f) Such minor adjustments shall be consistent with the intent and purpose of this Code and the Final Plan as approved, shall be the minimum necessary to overcome the particular difficulty and shall not be approved if they would result in a violation of any standard or requirement of this Code.
2. Major Adjustments. Any adjustment to the Final Plan not authorized by Paragraph J1 above shall be considered to a major adjustment and shall be granted only upon application to and approval by, the City Council. The City Council may, by ordinance duly adopted, grant approval for a major adjustment without a hearing

upon finding that any changes in the Final Plan as approved will be in substantial conformity with said Final Plan. If the City Council determines that a major adjustment is not in substantial conformity with the Final Plan as approved, then the Board may refer the request to the Plan Commission for further hearing, review and recommendation.

K. Amendments to Final Plan Following Approval or Completion of Development. After approval or completion of a planned development, an approved Final Plan may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section 11-503 for approval of the planned development.

1. Major Amendments. Major amendments are modifications which alter the concept or intent of the approved Final Plan. Any one of the following shall be considered a Major Amendment to a Final Plan. Requests for Major Amendments shall be reviewed in accordance with Paragraph D2 of this Section. These amendments shall include, but not be limited to:

(a) Significant changes which include increases in density, increases in height and/or bulk of buildings, a major reduction in the size of the proposed buildings, increases or major decreases in the number of buildings and/or lots, reductions in the amount of proposed open space, any roadway changes, changes in the final governing agreements, provisions or covenants, or other changes which change the concept or intent of the development.

(b) Significant changes to the parking location, access plan, building or parking setback areas, landscape plans, or approved conditions.

(c) Any changes to the designated land use or uses which either are not consistent with the written statement filed and approved as part of the Development Concept Plan, as required by Subparagraph 11-201 E9(d) of this Code, or would require a Special Use Permit approval in the property's underlying zoning classification.

(d) Any changes which would result in a variation in the underlying zoning classification not otherwise approved in the Final Plan, as authorized by Paragraph 11-403 E2 of this Code.

2. Minor Amendments. Minor amendments are modifications not defined as major amendments and do not alter the concept or intent of the Final Plan. Requests for minor amendments shall be reviewed in accordance with Section 11-203 of this code, with the Planning and Zoning Commission making a final determination within 21 days of the close of the public hearing, either granting the application for a minor amendment; granting the application subject to conditions, as specified in Subsection F above; or denying the application. These amendments shall include:

(a) Minor changes to the parking location, access plan, building or parking setback areas, or landscaping plans approved for the site as determined by the Community Development Director. Such minor changes shall include,

but not be limited to: shifting the parking location internally within the site while maintaining the general siting and circulation; reducing the amount of parking spaces provided by not more than twenty (20) percent than what was approved in the Final Plan; reducing the height or density of any previously approved landscaping or screening; and any changes that may be required that accommodate stormwater management facilities without altering the concept or intent of the Final Plan.

- (b) Any alteration of approved conditions applicable to the planned development that would constitute as a reduction to the mitigation of the potential negative impact the planned development would otherwise have on adjacent properties.
- (c) Any change that results in a variation to this Code as permitted in Paragraph 11-403 E1 of this Code or increase the extent of a previously granted variation from this Code
- (d) Any other minor change that would otherwise not be considered a Major Amendment, as defined Paragraph K1.

## 11-504: SITE PLAN REVIEW

- A. Authority. Except in the cases of uses and developments requiring a special use permit pursuant to the provisions in this Code, the Community Development Director may, as a matter of original jurisdiction and in accordance with the procedures and standards set out in this Section, grant site plan approval to uses and developments requiring such approval pursuant to Subsection C of this Section. In case of uses and developments requiring a special use permit pursuant to Section 11-502 or Section 11-503 of this Code, and in cases of appeal from a denial of approval by the Community Development Director, the City Council may, by ordinance duly adopted, grant site plan approval in accordance with the procedures and standards set out in this Section.
- B. Purpose. The site plan review process recognizes that even those uses and developments that have been determined to be generally suitable for location in a particular district are capable of adversely affecting the purposes for which this Code was enacted unless careful consideration is given to critical design elements. It is the purpose of this Section to provide a vehicle for the review of the developer's attention to such elements.
- C. Site Plan Review Required.
1. Community Development Director Review. Site plan review by the Community Development Director in accordance with this Section shall be required in connection with the following developments:
    - (a) Any development or redevelopment, other than for one single family detached dwelling unit, involving a parcel under single ownership or control having an area in excess of 40,000 square feet.
    - (b) Any development or redevelopment involving the construction of any new structure or structures having a gross floor area in excess of 20,000 square feet, a floor area ratio in excess of 0.25 or a height of more than three stories.
    - (c) Any development or redevelopment involving an existing structure having a floor area in excess of 20,000 square feet, a floor area ration in excess of 0.25, or a height in excess of three stories that would alter any such measure by more than 25 percent of such amount.
    - (d) Any development or redevelopment involving the creation or expansion of a parking lot or garage or a loading space.
    - (e) Any nonresidential development on a lot abutting or across a right of way from any residential district.
    - (f) Any development or redevelopment in a Redevelopment Overlay District.
    - (g) Any development or redevelopment involving a personal wireless services antenna, with or without an antenna support structure that is not a special permit use.

2. City Council Review. Site plan review by the City Council in accordance with this Section shall be required in connection with development or redevelopment for which this Code requires a special use permit, including planned development approval; and may be sought in any case of a denial of site plan approval by the Community Development Director.

D. Parties Entitled to Seek Site Plan Approval. Application for site plan review may be filed by the owner of, or any person having a contractual interest in, the subject property,

E. Procedure.

1. Community Development Director Approvals.

(a) Application. Applications for site plan approval by the Community Development Director shall be filed in accordance with the requirements of Section 11-301 of this Article.

(b) Action by Community Development Director. Within 30 days following receipt by the Community Development Director of a properly completed application, the Community Development Director shall cause such application and the attached site plan to be reviewed, in terms of the standards established by Subsection F of this Section, by appropriate members of his staff.

He shall then either: (1) approve the site plan as submitted; (2) on the basis of written findings in accordance with Subsection F below, approve it subject to specific modification; or (3) on the basis of such written findings, deny approval of the site plan.

Immediately upon concluding his review, the Community Development Director shall return one copy of the site plan to the applicant marked to show either approval, approval subject to modification, which modification shall be clearly and permanently marked on such plans, or denial or approval. The Community Development Director shall maintain a similarly marked set of such plans in his files for any further processing that may be required.

The failure of the Community Development Director to act within said thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision approving the site plan as submitted.

(c) Effect of Community Development Director's Action. The action of the Community Development Director in approving a site plan or in approving a site plan subject to modifications that are acceptable to the applicant shall constitute a final administrative action and shall not be subject to further review by, or appeal to, any City Council or Commission.

The action of the Community Development Director in denying an application for site plan approval or in approving a site plan subject to modifications that are not acceptable to the applicant (which action the

applicant may treat as a denial) shall not be considered final action by the City but shall only be authorization for the applicant to seek approval of the site plan from the City Council by way of the appeal procedure set forth below.

- (d) Appeals. Within 45 days following a denial of site plan approval by the Community Development Director, the applicant may seek approval of the site plan by filing an application for appeal to the City Council in accordance with the requirements of Section 11-201 of this Article. Any such appeal shall be proceeded in accordance with the provisions of Paragraph E2 below.

2. City Council Approvals: Original and Appellate.

- (a) Application. Applications for site plan approval by the City Council, whether as a matter of its original or its appellate jurisdiction shall be filed in accordance with the requirements of Section 11-201 of this Article. In cases where review is sought by way of an appeal of a denial of site plan approval by the Community Development Director, the application for appeal shall be filed within 45 days following such denial.
- (b) Action by Community Development Director in Appeal Cases. Upon receipt of a properly completed application for an appeal of a denial of site plan approval by the Community Development Director, the Director shall forthwith transmit to the City Council the application for appeal, the original application for site plan approval, all papers constituting the record upon which the Director's denial was based and a copy of the Director's decision denying the application for site plan approval.
- (c) Public Meeting. A public meeting shall be set, noticed and conducted by the City Council in accordance with Section 11-203 of this Article.
- (d) Action by City Council. Within 35 days following the conclusion of the public meeting, the City Council shall, by ordinance duly adopted, either approve the site plan as submitted, make modifications acceptable to the applicant and approve such modified site plan or approve or disapprove it in the manner hereinafter specified.

The failure of the Board to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying site plan approval.

F. Standards for Site Plan Disapproval.

- 1. Standards. The Community Development Director and the City Council shall not disapprove a site plan submitted pursuant to this Section except on the basis of specific written findings directed to one or more of the following standards:

- (a) The application is incomplete in specified particulars or contains or reveals violations of this Code or other applicable regulations that the applicant has, after written request, failed or refused to supply or correct.
- (b) The application is submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, and the applicant has failed to secure approval of that application.
- (c) The site plan fails to adequately meet specified standards required by this Code with respect to the proposed use or development, including special use standards where applicable.
- (d) The proposed site plan interferes with easements or rights-of-way.
- (e) The proposed site plan is unreasonably injurious or detrimental to the use and enjoyment of surrounding property.
- (f) The proposed site plan creates undue traffic congestion or hazards in the public streets, or the circulation elements of the proposed site plan unreasonably create hazards to safety on or off site or disjointed or inefficient pedestrian or vehicular circulation path on or off site.
- (g) The screening of the site does not provide adequate shielding from or for nearby uses.
- (h) The proposed site plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned drainage system serving the City.
- (i) The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate site utilities into the overall existing and planned utility systems serving the City.
- (j) The proposed site plan does not provide for required public uses designated on the Official Map.
- (k) The proposed site plan otherwise adversely affects the public health, safety or general welfare.

2. Alternative Approaches. In citing any of the foregoing standards, other than those of Subparagraphs 1(a) and (b), as the basis for disapproving a site plan, the Community Development Director or the City Council may suggest alternative site plan approaches that could be developed to avoid the specified deficiency or may state the reasons why such deficiency cannot be avoided consistent with the applicant's objectives.

G. Effect of Site Plan Approval. Approval of a site plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and

processing of applications for any permits or approvals that may be required by the codes and ordinances of the City, including, but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy and Subdivision Approval.

A copy of every approved site plan shall be filed with the Community Development Director and the development of the site shall be in substantial conformity with such approved & filed plan.

H. Limitations on Site Plan Approval. Subject to an extension of time granted by the Community Development Director pursuant to Subsection 11-101 L of this Article, no site plan approval shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

I. Adjustments to Site Plan during Development.

1. Site Plans Approved by the Community Development Director. During the development of the site, the Community Development Director shall have authority to authorize any adjustment to a site plan approved by him that he could have authorized in the course of his original review.

2. Site Plans Approved by the City Council.

(a) Minor Adjustments. During the development of the site, the Community Development Director may authorize minor adjustments to a site plan originally approved by the City Council when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:

- (i) Altering the location of any one structure or group of structures by not more than 5 feet or one-fourth of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.
- (ii) Altering the location of any circulation element by not more than five (5) feet or one-fourth of the distance shown on the approved site plan between such circulation element and any structure, whichever is less.
- (iii) Altering the location of any open space by not more than twenty (20) feet.
- (iv) Altering any final grade by not more than ten percent (10%) of the originally planned grade.
- (v) Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this Code and the site plan as approved shall be the minimum necessary to

overcome the particular difficulty and shall not be approved if they would result in a violation of any standard or requirement of this Code.

- (b) Major Adjustments. Any adjustment to a site plan originally approved by the City Council that is not authorized by Subparagraph 2(a) above shall be considered to be a major adjustment and shall be granted only upon application to an approval by, the City Council. The City Council may, by ordinance duly adopted, grant approval for major adjustment without referral to the Planning and Zoning Commission upon finding that any changes in the site plan as approved will be in substantial conformity with said plan.

- J. Amendments to Site Plan Following Completion of Development. After a site is developed in accordance with an approved site plan, the approved site plan may be amended, varied, or altered in the same manner and subject to the same limitations as provided for the original approval of site plans.

## 11-505: DESIGN REVIEW

- A. Authority. The Planning and Zoning Commission, in accordance with the procedures and criteria set out in this Section and by resolution duly adopted, may grant Major Design Review Permit approval. The Community Development Director, in accordance with the procedures and criteria set out in this Section, may grant Minor Design Review Permit approval. However, no such permit shall be granted unless such use or development complies with the regulations of the district in which it is located and all necessary certificates, permits and approvals for such use or development shall have been secured.
- B. Purpose. The Major and Minor Design Review Permit procedures are intended to provide for the review of plans to ensure that the use and development requiring said approval will comply with criteria established to preserve the integrity of areas and structures which have been determined to merit special protection.
- C. Major or Minor Design Review Permit Required. Unless a Major or Minor Design Review Permit shall have first been obtained pursuant to this Section, no person shall perform, cause, or permit any construction, alteration, remodeling, movement, or demolition of any building, structure or other improvement of or on any property used for non-residential or multiple family purposes, and no person shall be entitled to the issuance of a permit authorizing any such work.
- D. Exemptions.
1. No Major or Minor Design Review Permit shall be required for Improvement Work related directly to the repair of fire, storm, or other catastrophic damage; provided that the improvement work contemplates substantially the same material and configuration as existing prior to the fire, storm, or other catastrophic damage, and is otherwise in accordance with all applicable codes and ordinances.
  2. No Major or Minor Design Review Permit shall be required for Improvement Work that consists exclusively or primarily of ordinary and routine maintenance and repair activities that may require a building permit pursuant to the City's Building Code. Examples of such activity not requiring a Major or Minor Design Review Permit include, without limitation, the following: repainting a building exactly as the original, replacing a front door with one similar to the original; replacing light fixtures on the outside of a building with the same type of light fixture; or replacing a roof, door, or window with the same type of roof, door, or window. That no Design Review Permit shall be required for Improvement Work as described in this Paragraph 11-505 D shall not be interpreted to mean that the Improvement Work does not require a building permit.
- E. Minor Design Review.
1. Scope. Minor Design Review is for Improvement Work that does not otherwise constitute as a significant change to the architectural style or design of the building or site to which the Improvement Work is being done. This shall also include any Improvement Work that otherwise meets the applicable requirements of this Code, without requiring any form of zoning relief as granted pursuant to Article XI. Minor Design Review Permits shall be required for any Improvement Work that, as a result of its substance, detail, scope, and

complexity, otherwise requires a more comprehensive review than otherwise is considered exempt by Subsection D herein this Section, including, but not limited to, the following:

- (a) Replacement of a roof, door, or window with a different type of roof, door, or window.
- (b) Addition of an awning to a building.
- (c) Replacement of an awning with a different style or material.
- (d) Painting a building with a different color than the original.
- (e) Replacing the steps with a different type of step.
- (f) New construction of an accessory structure.
- (g) Addition to an existing principal structure that is less than one thousand square feet or less than ten percent of the area of the existing structure.
- (h) Replacement of building materials, other than the primary building material, on visible portions of the façade of an existing structure.
- (i) Minor site alterations, such as parking lot modifications of a limited scope, fencing, minor grading, or small landscaping areas.
- (j) Construction of an outdoor patio/seating area.
- (k) Installation of solar panels on roof or façade facing a public right-of-way.
- (l) A reduction of trees of the tree planting requirements outlined in Section 9-107. C.2.a.

2. Application. Applications for Minor Design Review Permits shall be filed in accordance with the requirements of Section 11-201 and of this Paragraph E2. Applications for Minor Design Review Permits shall consist of plans accurately depicting the Improvement Work and a written notification describing said plans, on a form as made available by the Community Development Director, prior to the commencement of the applicable Improvement Work. The Community Development Director may request any additional information he or she deems necessary prior to considering the application complete.

3. Action by the Community Development Director. Within 35 days upon the receipt of a complete application as described in this Subsection 11-505 E, the Community Development Director shall grant the Minor Design Review Permit without modification, grant the Minor Design Review Permit with modifications or subject to conditions, or deny the Minor Design Review Permit. In reaching his or her determination, the Community Development Director shall be guided by the design criteria set forth in Subsections 11-505 G, in addition to specific manuals or guidelines as identified in Subsection 11-505 I of this Section. The Community Development Director may waive fifty (50) percent of the criteria of Subparagraphs

G1, G2, and G3 of this Section, as deemed unreasonable and causing undue burden to buildings or properties to be used for industrial, institutional, and open space purposes. Of those criteria deemed applicable to a Minor Design Review Permit by the Community Development Director, a cumulative majority must be found as met or the Community Development Director shall deny the Minor Design Review Permit.

The failure of the Community Development Director to act within 35 days, or such longer period of time as may be agreed to by the applicant, shall also be deemed a denial of the Minor Design Review Permit. The determination of the Community Development Director shall be final unless an application for appeal is filed to the Planning and Zoning Commission, in accordance with Section 11-402 of this Code.

F. Major Design Review.

1. Scope. Major Design Review is for Improvement Work that consists of any and all Improvement Work that constitutes as a significant change to the architectural style or design of the building or site to which the Improvement Work is being done. All Improvement Work shall otherwise meet the applicable requirements of this code, without requiring any form of zoning relief as granted pursuant to Article XI. Major Design Review Permits shall be required for any Improvement Work that, as a result of its substance, detail, scope, and complexity, otherwise requires a more comprehensive review than that required for a Minor Design Review Permit, including, but not limited to, the following:
  - (a) New construction of a principal structure.
  - (b) Addition to an existing principal structure that is equal to or greater than one thousand square feet or ten percent of the area of the existing structure, whichever is less.
  - (c) Replacing the primary exterior building material on visible portions of the façade of an existing principal structure.
  - (d) Significant site alterations, including, but not limited to, berms, detention/retention areas, parking lot addition/removal, or significant landscaping features.
2. Application. Applications for Major Design Review Permits shall be filed in accordance with the requirements of Section 11-201 and of this Subsection 11-505 F of this Code. Applications for Major Design Review Permits shall consist of plans accurately depicting the Improvement Work and a written notification describing said plans, on a form as made available by the Community Development Director, prior to the commencement of the applicable Improvement Work. The Community Development Director may request any additional information he or she deems necessary prior to considering the application complete. The Community Development Director may waive fifty (50) percent of the criteria of Subparagraphs G1, G2, and G3 of this Section, as deemed unreasonable and causing undue burden

to buildings or properties to be used for industrial, institutional, and open space purposes.

3. Public Meeting. Within 21 days of determining the application complete, the Community Development Director shall forward the application and related materials to the Planning and Zoning Commission, including a report stating which, if any, criteria listed in Subparagraphs G1, G2, and G3 are deemed unreasonable and causing undue burden to buildings or properties to be used for industrial, institutional, and open space purposes. The Planning and Zoning Commission shall then conduct public meeting in accordance with Section 11-203 of this Code.
4. Action by Planning and Zoning Commission. Within 35 days following the conclusion of the public meeting provided in Paragraph F3 of this Section, the Planning and Zoning Commission, shall, by resolution duly adopted, grant the Major Design Review Permit without modification, grant the Major Design Review Permit with modifications or subject to conditions, or deny the Major Design Review Permit. In reaching its recommendation, the Planning and Zoning Commission, whichever is applicable, shall be guided by the particular criteria and considerations set forth in Subsections G, H, and I of this Section. Of those criteria deemed applicable to a Major Design Review Permit by the Community Development Director, a cumulative majority must be found as met or the Planning and Zoning Commission shall deny the Major Design Review Permit.

The failure of the Planning and Zoning Commission, to act within 35 days, or such longer period of time as may be agreed to by the applicant, shall be deemed a denial of the Major Design Review Permit. The determination of the Planning and Zoning Commission shall be final unless a written appeal there from is filed with the City Council in accordance with Section 11-402, in which case the determination of the City Council shall be final.

5. Issuance of Certificate. If a Major or Minor Design Review Permit is granted pursuant to this Subsection 11-505 F, the Community Development Director, within seven days following the passage of the resolution by the Planning and Zoning Commission pursuant to Paragraph F4 of this Section, shall issue the Major Design Review Permit, noting thereon any modifications or conditions imposed by the Planning and Zoning Commission. Each Major Design Review Permit shall state on its face, in bold type, that:

**THIS PERMIT DOES NOT SIGNIFY ZONING, BUILDING CODE, OR SUBDIVISION REVIEW OR APPROVAL AND HOLDER IS NOT AUTHORIZED TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE REQUIRED.**

- G. Design Criteria for Major and Minor Design Review Permits. In reviewing applications for Design Review Permits, the Community Development Director and the Planning and Zoning Commission, as the case may be, shall consider and evaluate the subject property of the requested Major or Minor Design Review Permit in as expeditious as manner as possible. In addition, the Community Development Director and the Planning and Zoning Commission, as the case may be, shall be guided by the following design criteria. These

design criteria shall be applicable to all buildings or properties to be used for non-residential and multiple family purposes. All major exterior renovations, additions and façade changes shall be reviewed for conformance with the following criteria of design. Note that in the event that a building or buildings adjacent or visually related to the subject building for which the Major or Minor Design Review Permit is being sought is found not to meet the intent of one or more of one of the following criteria, that the principle may not apply. The Planning and Zoning Commission, following a recommendation from the Community Development Director, may instead determine that the intent of that principle may be met by enforcing other design guidelines as he or she sees appropriate for a Major Design Review Permit. The Community Development Director may instead determine that the intent of that principle may be met by enforcing other design guidelines as he or she sees appropriate for a Minor Design Review Permit.

1. **Mass and Scale.** The following criteria shall be applied as set forth in this Section. Two shall be the number of design criteria defined as a majority for this Paragraph.
  - (a) Height, Bulk, Scale and Massing: Overall height and massing of proposed buildings and structures shall be modulated to reduce the appearance of height and bulk.
  - (b) Height. The height of proposed buildings and structures as it relates to adjacent buildings.
  - (c) Scale of Building. The size and mass of buildings and structures shall be similar to buildings and relate to public ways and places within their immediate vicinity.
  
2. **Building Materials.** The following criteria shall be applied as set forth in this Section. Three shall be the number of design criteria defined as a majority for this Paragraph.
  - (a) Architecturally Harmonious. Building materials shall be selected for suitability in the context of the neighborhood. Buildings shall use materials which are architecturally harmonious for all building walls and other exterior components that are wholly or partially visible from public ways.
  - (b) Durable Materials. Brick, other masonry materials or other attractive and durable materials approved by the Planning and Zoning Commission shall be used for all sides of all non-residential development, multi-family, duplex, townhouse and other non-single family residential dwelling units, and shall be installed per city building code specifications. The use of stucco, e.i.f.s (i.e. Dryvit), wood, glazed tile or decorative concrete block shall be limited to accent the building.
  - (c) Color Schemes. Color schemes should consider the character and quality of structures in the area. Excessively bright colors should be used only for accent. Materials and colors should withstand the weather for a twenty-five (25) year period.

- (d) Relationship of Materials and Texture. The relationship of the materials and texture of the façade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.
  - (e) Materials. The quality of materials and their relationship to those in existing adjacent structures, except for when materials of existing structures are not of a recommended material or are predominantly a discouraged material.
3. **Building Design and Features.** The following criteria shall be applied as set forth in this Section. Four shall be the number of design criteria defined as a majority for this Paragraph.
- (a) Building Components Consistency. Building components, such as windows, doors, eaves and parapets shall be consistent in proportion and style with the predominant style of the neighborhood.
  - (b) Façade. Architectural details in building facades shall provide visual interest through articulation, appropriate material changes, appropriate lighting features, and other best design practices.
  - (c) Proportion of Openings. The size and number of openings (windows, doors, etc.) shall be proportionate to the overall façade and relate directly to the primary use of the building.
  - (d) Rhythm of Entrance Porch and Other Projections. The scale of entrances and other projections shall be designed to relate proportionately to sidewalks and pedestrians.
  - (e) Proportion of Front Façade. The relationship of the width to the height of the front elevation shall be consistent in proportion with buildings, public ways, and places to which it is visually related.
  - (f) Proportion of Openings. The relationship of the width to the height of windows shall be consistent in proportion with buildings, public ways, and places to which the building is visually related.
4. **Building Roofs and Rooflines.** The following criteria shall be applied as set forth in this Section. Two shall be the number of design criteria defined as a majority for this Paragraph.
- (a) Flat Roofs and Mansard Roofs. Flat roofs and mansard roofs are discouraged except where such roofs are the predominant style in the neighborhood.
  - (b) Roof-lines. Roof-lines shall be designed to generate visual interest.
  - (c) Roof Shapes. The roof shape of a building shall be consistent with the buildings which are within the immediate block area.

5. **Lighting.** The following criteria shall be applied as set forth in this Section. Two shall be the number of design criteria defined as a majority for this Paragraph.
- (a) Harmonious Lighting. Exterior lighting should be a part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design.
  - (b) Architectural Integrated. Exterior lighting shall be architecturally integrated with building style, material, and color so as to enhance architectural features of the building, and shall not be directed off site.
6. **Open Space and Other Site Features.** The following standards shall be applied as set forth in this Section. Four shall be the number of design criteria defined as a majority for this Paragraph.
- (a) Rhythm of Spacing and Buildings on Streets. The rhythm of open space between buildings or structures shall be consistent and maintained at a block level wherever possible.
  - (b) Landscaping and Screening. Parking lots, unsightly equipment and service areas shall be screened from public view by means of landscaping, fencing, and/or other means of screening.
  - (c) Open Spaces. The quality and location of the open spaces between buildings and in setback spaces between the street and façade shall be suitably located in relation to the street, other open spaces and pedestrian ways to create a pedestrian and open space network.
  - (d) Parking. Automobile access, servicing of the property, and impact on vehicular traffic patterns and conditions on-site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible shall also be reviewed.
  - (e) Signs. Signs shall be part of the architectural concept and shall conform to the regulations set forth in this Article IX, Part I-C.
  - (f) Walls of Continuity. Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
- H. Special Considerations for Existing Buildings. For existing buildings, the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing shall be considered.
- I. Manuals and Guidelines. The Planning and Zoning Commission may, from time to time, provide for specific manuals or guidelines for architectural styles or common-occurring

buildings or site features and elements to assist applicants for design review permits. Such manuals or guidelines shall be advisory only and shall bind neither the applicant, Community Development Director nor the Planning and Zoning Commission with respect to any specific case.

- J. Limitation on Permits. A Design Review Permit shall become null and void 12 months after the date on which it was issued unless, within such period, the work authorized by such permit is commenced. A Design Review Permit shall relate solely to the work shown on plans approved by the issuance of such permit and it shall be unlawful for any person to deviate from such plans without obtaining an amended permit in the same manner as herein provided for obtaining original permits.

## **PART VI - SETTLEMENT OF LITIGATION**

### **11-601: AUTHORITY**

Notwithstanding any other provisions of this Code, the City Council may grant zoning approvals in connection with the settlement of litigation or pending against the City subject only to the provisions of this Part; provided, however, that this Part shall not apply to actions seeking administrative review of any final decision of the Planning and Zoning Commission.

### **11-602: PURPOSE**

The authority conferred on the City Council pursuant to this Part is conferred in recognition of the fact that, when the City is involved in litigation concerning the exercise of its powers under this Code, unique factors are sometimes brought into play. It is the ultimate responsibility of the elected governing body of the City to assess the impact of those factors on the land use decision involved and to make a decision based upon the overall public good, other than actions seeking administrative review of any final decision of the Planning and Zoning Commission.

### **11-603: POWERS**

For the purpose of settling pending litigation on terms deemed by it to be most advantageous to the City, the City Council shall have the power to grant any approval authorized by this Code or to modify or vary the provisions of this Code as they apply to the property which is the subject of such litigation.

### **11-604: PROCEDURE**

Before exercising its powers under Section 11-703, the City Council shall set, notice and conduct a hearing in accordance with Section 11-20311-203 of this Article. No other procedure shall be required.

All action taken pursuant to this Part shall be evidenced by an ordinance duly adopted. The concurrence of four members of the Board shall be sufficient to approve any ordinance adopted pursuant to the authority and power granted by this Part.

## PART VII - ENFORCEMENT AND PENALTIES

### 11-701: GENERAL ENFORCEMENT AUTHORITY AND DUTY

Upon finding the existence of any violation of this Code, the Community Development Director shall have the authority and duty to take or direct all actions necessary or appropriate to punish and abate such violation.

### 11-702: CIVIL AND ADMINISTRATIVE ENFORCEMENT

- A. **STOP AND CEASE-AND-DESIST ORDERS.** UPON FINDING THE EXISTENCE of any violation of this Code, the Community Development Director shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the Director shall order the discontinuance of any illegal use of land or structures; the removal of illegal structures, additions or alterations; and the discontinuance of illegal work being done.
- B. **Legal Actions.** In the enforcement of this Code, the Community Development Director shall exercise all the powers authorized by the statutes of the State of Illinois and the codes and ordinances of this City to ensure compliance with, or to prevent or abate any violation of, the provisions of this Code, and in particular, shall, where necessary or appropriate, institute or cause to be instituted by the City Attorney in the name of the City of Oak Forest any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this Code.
- C. **Abatement; Liens.** Where authorized by state statute, the Community Development Director may order any work necessary to abate any violation of this Code and shall assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the Director shall file a lien for such costs, and for all costs of collection, against the property in question.
- D. **Revocation of Permits.** The violation of any provision of this Code, or of any permit or approval granted pursuant to it, or of any condition imposed pursuant to it shall be grounds for the revocation of any rezoning, permit, variation or approval granted pursuant to this Code and affecting the property involved in the violation. The Community Development Director may recommend and the City Council may order such revocation; provided, however, where the original rezoning permit, variation or approval was granted following a public hearing required pursuant to this Code, the revocation shall be preceded by a similar hearing.
- E. **Fines.** In the enforcement of this Code, the Community Development Director shall, where necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this Code as authorized by state law and this Code.

### 11-703: PENALTIES

Any person who shall violate, disobey, omit, neglect or refuse to comply with, or who shall resist enforcement of, any provision of this Code shall be subject to a fine of not less than \$250 nor more than \$750 for each offense; provided, however, that, if service of summons is made by certified

mail pursuant to 65 ILCS 5/1-2-9.1, the maximum fine shall not exceed \$750 for each offense. Each day violation continues to exist shall constitute a separate offense.

Whoever violates the provisions contained herein may, in addition to the penalty provided above, be imprisoned not more than six months and have his or her business license suspended or revoked. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

A person who operates or causes to be operated a sexually oriented business in violation of the Zoning Code is subject to a suit for injunction as well as prosecution for a criminal violation. The violation shall be a misdemeanor and shall be punishable by a fine of \$1,000 and/or six months in jail, and if an injunction must be sought, attorneys' fees and costs will be assessed at the discretion of the court against the sexually oriented business.

#### **11-704: PRIVATE REMEDIES PRESERVED**

Nothing in this Part shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Code from bringing an appropriate action to secure such relief.

## ARTICLE XII. APPLICABILITY & INTERPRETATION

### PART 1 - APPLICABILITY

#### 12-101: GENERAL SCOPE

- A. Territorial Application. This Code shall apply to land, structures, and uses within the corporate limits of the City.
- B. General Application. All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocation of existing structures occurring hereafter, and all enlargements and extensions of, additions to, changes in and relocation of existing uses occurring hereafter shall be subject to all regulations of this Code applicable to the zoning districts in which such land, structures or uses are located. Existing structures and uses that do not comply with the regulations of this Code shall be subject to the provisions of Article X of this Code relating to nonconformities.
- C. General Prohibition. No structure; no use of any structure or land; and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, enlarged, extended, altered, moved, divided or maintained, in any manner, except as authorized by the provisions of this Code and except in compliance with the regulations of this Code. Without limiting the foregoing, any such activity that would cause any existing structure not to comply with this Code or that would create any parcel of land that could not be developed in compliance with this Code shall be prohibited.
- D. Plat of Consolidation Required. Whenever any application is submitted pursuant to this Code for the erection or construction of any building or structure, other than a fence, or for the installation of any paving or surfacing of the ground, over, upon or across one or more lot lines dividing or separating two or more lots of record, such application shall include an application for approval of a plat of consolidation of those lots of record into a single lot of record pursuant to the Oak Forest Subdivision and Development Code (2010), as the same has been and may, from time to time, be amended. This Subsection shall not apply where an application for approval of a plat of subdivision or resubdivision accompanies such an application under this Code.
- E. Exempt Uses.
1. Utility Lines. The following utility uses are exempt from the provisions of this Code: poles, wires, cables, conduits, vaults, laterals, pipes, mains and valves, but not including substations located on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water, or for the collection of sewage or surface water, and also not including personal wireless services antenna, with or without antenna support structures, and related electronic equipment and equipment structures. All such uses shall, however, comply with the subdivision and other applicable ordinances of the City.
  2. Railroad Right-of-Way Uses. All railroad rights-of-way, trackage and passenger stations existing on the effective date of this Code shall be exempt from its

provisions. Any other railroad facilities or uses, or any change of such existing facility, shall, however, be subject to all of the provisions of this Code.

- F. Private Agreements. This Code is not intended to abrogate, annul or otherwise interfere with any platted building line, easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this Code are more restrictive or impose higher standards or requirements than such platted building line, easement, covenant or other private agreement or legal relationship, the regulations of this Code shall govern.

#### **12-102: APPLICATION TO VARIATIONS AND SPECIAL PERMIT USES**

- A. Existing Variations and Special Permits. Any variation or special permit (sometimes, in prior codes, referred to as "special uses") lawfully issued prior to the effective date of this Code, or any amendment thereof, shall be deemed to be and continue to be valid after such effective date, subject to any conditions placed thereon at the time of issuance. Any structure or use lawfully authorized by any such variation or special permit that could not be so issued after the effective date of this Code shall be subject to the provisions of Article X of this Code dealing with nonconformities.
- B. Existing Uses and Structures Newly Requiring Special Permit. Any use or structure lawfully existing on the effective date of this Code or any amendment thereof that did not, prior to such effective date, require a special permit but which, after such effective date, does require a special permit, may secure such a permit only pursuant to the standards and procedures made applicable to special permit uses by Section 11-602 of this Code. Unless and until such a permit is so secured, such use shall be subject to the provisions of Article X of this Code dealing with nonconformities.

#### **12-103: BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE**

- A. New Code Shall Apply. Except as provided in Subsections B and C of this Section, no Certificate of Occupancy shall be issued following the effective date of this Code or any amendment thereof unless the work, structure or use for which the Certificate of Occupancy is sought is made to fully comply with the applicable provisions of this Code or such amendment.
- B. Right to Complete Construction Pursuant to Approved Plans. Nothing in this Code, or any amendment to it, shall be deemed to require any change in the plans, construction or designated use of any structure in the event that:
1. A building permit for such structure was lawfully issued prior to the effective date of this Code or any such amendment thereof or such a permit is issued after such effective date based upon a complete and proper application for such permit filed prior to such effective date; and
  2. Such permit had not by its own terms expired prior to such effective date; and
  3. Such permit was lawfully and properly issued in accordance with the law prior to such effective date; and

4. Construction pursuant to such permit is commenced prior to the expiration of such permit and within 180 days of such effective date and is thereafter diligently pursued to completion.
- C. Right to Occupy as Nonconformity. Upon completion pursuant to Subsection B hereof, such structure may be occupied by, and a Certificate of Occupancy shall be issued for, the use designated on such permit, subject thereafter, to the extent applicable, to the provisions of Article X of this Code relating to nonconformities.

#### **12-104: PENDING APPLICATIONS**

- A. New Code Shall Apply. This Code and any amendment thereof shall apply to any application pending on the effective date of this Code or such amendment in the same manner as though such application was filed after such effective date.
- B. Duty of City Officials. Within twenty (20) days following the effective date of this Code or any amendment thereof, any City official, department, board or commission then having pending before it any application to which this Code or any amendment of it applies pursuant to Subsection A of this Section shall transmit a copy of such application to the City Administrator.
- C. Duty of City Administrator. Within thirty (30) days following the effective date of this Code or any amendment thereof, the City Administrator shall inform each applicant named on each application referred to him pursuant to Subsection B of this Section that said application is subject to the provisions of this Code, as amended, and will be processed in accordance therewith; that the applicant may within thirty (30) days following the mailing of such notice refile, without additional fee, its application on the basis of this Code, as amended; and that if the applicant does not so re-file, its application may be denied for noncompliance with the provisions of this Code, as amended.
- D. Duty of Applicant. Notwithstanding the provisions of Subsections B and C of this Section, it shall be the responsibility of each applicant having an application pending on the effective date of this Code, or any amendment thereof, to modify such application in accordance with the terms and provisions of this Code, as amended, and the failure to do so may, whether or not the procedures of said Subsections have been followed, result in denial of such application for failure to comply with this Code, as amended. Any modification or re-filing of an application pending on such effective date in order to comply with the provisions of this Code, as amended, shall be permitted at any time prior to the final disposition of such application & shall be permitted without payment of any additional fee.
- E. Processing of Pending Applications. Upon the re-filing of any pending application as herein provided, or upon notification from the applicant that it will not re-file or modify its application, or upon the expiration of sixty (60) days following effective date of this Code or any amendment thereof, whichever occurs first, such pending application shall be processed in accordance with the terms of this Code, as amended; provided, however, that the application requirements, hearing requirements and procedural requirements set forth in Article XI, Part 3, and Subsections 11-601D, 11-602D, 11-603D and 11-604E of this Code shall not apply to any such pending application and each such application shall be

processed in accordance with the application, hearing and procedural requirements that were in effect on the date such application was filed. Notwithstanding any other provision of this Section, the City Manager shall have the authority to request additional data, information or documentation for pending applications when, in his or her judgment, such additional data, information or documentation is necessary or appropriate to a full and proper consideration and disposition of such pending application.

#### **12-105: REPEAL OF PRIOR PROVISIONS**

The Oak Forest Zoning Code as adopted by Ordinance No. 64-36 on December 19, 1964, and as amended from time to time thereafter prior to the adoption of this Ordinance No. 88-62 providing for the comprehensive revision of said Ordinance by the adoption of this Code, be, and it is hereby, repealed in its entirety. Ordinance No. 79-1, passed and approved on January 9, 1979, as amended by Ordinance No. 84-16, on June 12, 1984, be, and are hereby, repealed in their entirety. Except as expressly provided in this Code, such repeals shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such repeal had not been effected.

#### **12-106: SEVERABILITY**

- A. Intent as to Severability. The several provisions of this Code shall be severable in accordance with the following rules:
1. Provisions Declared Invalid. If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code.
  2. Applications Declared Invalid. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to a particular parcel of land, a particular structure or a particular use, such judgment shall not affect the application of said provisions to any other land, structure or use.
  3. Applicable Regulations Following Declaration of Invalidity. Whenever the provisions of this Code are declared invalid in their application to any particular parcel of land, the Zoning Map provided for in Section 2-103 of this Code shall continue to show such parcel in the zoning district applicable to it pursuant to this Code unless and until such district is changed by an amendment adopted by the City Council pursuant to Section 11-601 of this Code; provided, however, that the parcel in question shall also be marked with a star or other distinctive marking to direct attention to the court decree affecting said parcel. The City Administrator shall maintain a file of any such decrees. The provisions of any such decree shall be deemed to modify the otherwise applicable provisions of this Code as they apply to said parcel to the extent provided in said decree but said parcel shall otherwise remain subject to the provisions of this Code.

#### **12-107: EFFECTIVE DATE AND PUBLICATION**

This Code shall take effect immediately upon, and its Effective Date shall be the date of, its passage by a vote of two-thirds of the corporate authorities then holding office and its

approval by the Mayor, the corporate authorities hereby finding that the immediate implementation of this Code is a matter of urgency; provided, however, that the following provisions of this Code shall not take effect until one year following said Effective Date: 9-107 insofar as it requires buffering and screening of structures and uses existing on said Effective Date.

The City Administrator is hereby authorized and directed to publish this Code in pamphlet form and to publish an appropriate notice of its adoption and availability in a newspaper published in the City.

## **PART II - INTERPRETATION**

### **12-201: PROVISIONS ARE MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Code in general and its various Sections in particular.

When the provisions of this Code impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Code shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Code, the provisions of such statute, other ordinance or regulation shall be controlling.

### **12-202: PROVISIONS ARE CUMULATIVE**

The provisions of this Code shall be interpreted to be cumulative of, and to impose limitations in addition to, all other codes, laws and ordinances in existence or which may be passed governing any subject matter of this Code. The several provisions of this Code shall also be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this Code shall be construed to be consistent with, and not in conflict with, the provisions of such other codes, laws and ordinances, and each other, to the end that all such provisions may be given their fullest application.

### **12-203: PROVISIONS ARE NOT A CONSENT, LICENSE OR PERMIT**

The provisions of this Code shall not be interpreted to be, or to grant, a consent, license or permit to use any property or to establish, locate, construct or maintain any structure or use, or to carry on any trade, industry, occupation or activity.

### **12-204: UNLAWFUL USES AND STRUCTURES NOT VALIDATED**

This Code shall not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of this Code. Any such unlawful use or structure shall remain unlawful to the extent that said use or structure is in conflict with the provisions of this Code.

### **12-205: WORD USAGE**

#### **A. TENSE AND FORM.**

Words used or defined in one tense or form shall include other tenses and derivative forms.

#### **B. NUMBER.**

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

C. **GENDER.**

The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.

D. **SHALL AND MAY.**

The word "shall" is mandatory. The word "may" is permissive.

E. **TIME.**

The time within which any act required by this Code is to be performed shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Illinois General Assembly, in which event it shall also be excluded.

F. **PERSON.**

The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.

G. **USED FOR.**

The phrase "used for" shall include intended for, designed for, occupied for, maintained for, and arranged to be used or occupied for whenever that interpretation would result in the regulation being more restrictive in its application to any use or structure.

H. **CITY.**

The word "City" means the City of Oak Forest, Illinois.

I. **COUNTY.**

The word "County" means the County of Cook, Illinois, unless referring to a property or matter over which Lake County, Illinois has jurisdiction, in which event, it means the County of Lake, Illinois.

J. **UNDEFINED TERMS.**

Any word not defined in Section 12-206 of this Code shall have the meaning given in any applicable City code ordinance or, if none, in Webster's New International Dictionary, Second Edition 1975, except for words employed to refer to the permitted uses and special permit uses of this Code, which shall be interpreted, insofar as applicable, in accordance with the meaning established in the Standard Industrial Classification Manual, 1987, as amended through the effective date of this Code and as further amended by the City (see Appendix A).

K. **CAPTIONS, ILLUSTRATIONS AND TABLES.**

In case of any difference of meaning or implication between the text of this Code and any caption, illustration or table, the text shall control.

L. **ARTICLE, SECTION AND PARAGRAPH HEADINGS.**

This Code is divided into articles, sections, subsections, paragraphs, and subparagraphs that shall be numbered according to the following format:

1-101 A1(a)(1)(i)

and that shall be referred to in accordance with the following example:

<u>II</u>	Article
A.	Section
2-401B	Subsection
2-401B <u>3</u>	Paragraph
2-401B3(a)	Subparagraph
B3(a) <u>(2)</u>	Subparagraph
B3(a)(2) <u>(iii)</u>	Subparagraph

**12-206: DEFINITIONS**

**A-FRAME OR SANDWICH BOARD SIGN.** A professionally made, portable, temporary sign, constructed of exterior grade, rigid, weather resistant and durable material such as metal or other non-combustible material and consisting of two sign faces placed together at an angle of 90 degrees or less to form an “A” shape structure which tapers from a wide base to a narrow top.

**ABUT.** To touch, to lie immediately next to, to share a common wall or lot line or to be separated by only a street, alley or drainage course.

**ACCESSORY BUILDING, STRUCTURE OR USE.**

1. Is subordinate in area, extent and purpose to, and serves, a principal structure or use;
2. Is customarily found as an incident to such principal structure or use;
3. Contributes to the comfort, convenience or necessity of those occupying, working at or being served by such principal structure or use;
4. Is, except as otherwise expressly authorized by the provision of this Code, located on the same zoning lot as such principal structure or use; and
5. Is under the same ownership and control as the principal structure or use.

**ACCESSORY DWELLING UNIT (ADU):** A small, self-contained residential dwelling unit that is secondary to a larger residential dwelling unit located on the same lot.

**ADJACENT.** To lie near, close to, or in the vicinity.

**ADDRESS SIGN.** A type of integral sign or other building sign which contains a sequence of numbers and/or letters used to identify the locations of buildings.

**AIRPORT.** Any premises used for the landing and take-off of aircraft of any kind including appurtenant land and structures.

**ALLEY.** A public right-of-way that affords only a secondary means of vehicular access to abutting property.

**ALTERATION.** Any change in the size, shape, character, occupancy or use of a structure.

**ALTERATION, STRUCTURAL.** See Subsection 12-206 S of this Section.

**AMENDMENT.** See Section 11-601 of this Code.

**ANIMAL TRAINING.** Shall have the same meaning as the defined term "Trainer" in Section 5-1 of the City's Municipal Code.

**ANTENNA.** Any structure designed for transmitting signals to a receiving station or for receiving television, radio, data, or other signals from satellites or other sources.

**ANTENNA SUPPORT STRUCTURE.** Any structure used for the principal purpose of supporting an antenna.

**ANTENNA SURFACE AREA.** See Subsection 12-206 S of this Section.

**APPEAL.** See Section 11-502 of this Code.

**APPROPRIATE USE.** Only those uses that are allowed within the regulatory floodway, as specified in Section 8-207 of this Code.

**AREA, GROSS.** The total land and water area included in a parcel that is the subject of an application filed pursuant to this Code, excluding only property located in public rights-of-way or private easements of access or egress at the time of application.

**AREA, NET.** The gross area of a parcel less land and water areas required or proposed to be publicly dedicated or land to be devoted to private easements of access or egress. Both land and water areas not so publicly dedicated or devoted shall be included in the calculation of net area.

**ATTACHED DWELLING.** See Subsection 12-206 D of this Section.

**ATTENTION-GETTING DEVICES.** Streamers, posters, balloons, ribbons, lights bulbs, light bands, spinners and attention-getting devices that move, blinking, electronic and/or flashing signs, signs which exhibit changing natural and/or artificial light or colored effects, and festoon lighting, signs (other than neon signs) which contain bare, unshielded light or tubes which are visible from a public street and/or a private residence.

**AUTOMATED WAREHOUSE.** A warehouse, or a portion thereof, where the process of picking, distributing and sorting inventory is supported primarily by mechanization and where no more than one employee for each 2500 square feet of warehouse space perform such process at any one time.

**AUTOMATIC TELLER MACHINE.** An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

**AUTOMOBILE REPAIR, MAJOR.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating.

**AUTOMOBILE REPAIR, MINOR.** Minor repairs, incidental replacement of parts and motor service to passenger automobiles and trucks not exceeding one and one-half tons capacity, but not including any operation included in "Automobile Repair, Major" as defined in this Subsection.

**AUTOMOTIVE DETAILING.** Services including washing, detailing, waxing, or cleaning of passenger automobiles and trucks not exceeding one and one-half tons capacity, provided at non-automated establishments and performed by the business operator without the use of an automatic production line method, conveyor machines or any other large mechanical equipment typically found at car washing facilities.

**AWNING.** A roof-like covering, temporary in nature, that projects from the wall of a building.

**AWNING, OR CANOPY SIGN.** A building sign that is mounted or attached to an awning, or canopy.

**BALCONY.** A platform that projects from the exterior wall of a building and (i) is located a minimum of one story above grade, and (ii) is unenclosed and exposed to the open air, and (iii) has direct access to the interior of the building, and (iv) is not supported by posts or columns extending to the ground.

**BANNER SIGN.** A temporary building sign consisting of cloth, canvas, fabric, or other lightweight material that is secured or mounted to a so as to limit movement of the material.

**BANNER STAND SIGN.** A professionally made, portable, temporary sign constructed of exterior grade, rigid, weather resistant and durable material such as metal or heavy-duty plastic and consisting of a weighted base and an upright rigid banner.

**BASE FLOOD.** The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the one hundred year (100-year) frequency flood event. Application of the base flood elevation at any location is defined in Section 8 of this code.

**BASE FLOOD ELEVATION (BFE).** The elevation in relation to mean sea level of the crest of the base flood. The base flood elevation is also known as the one hundred (100) year frequency flood elevation.

**BASEMENT.** A portion of a structure located partly underground but having less than half its clear floor to ceiling height over more than half of its floor area below grade.

**BAY WINDOW.** A window or windows cantilevered from the wall of a building above grade or resting on a building foundation and which forms an alcove within the building

**BERM.** A hill that acts as a visual barrier between a lot and adjacent properties, alleys or streets.

**BLOCK.** A tract of land bounded by public streets or by a combination of public streets, public lands, railroad rights-of-way, waterways or boundary lines of the City.

**BOARD OF APPEALS.** The Zoning Board of Appeals of the City. See Section 11-102 of this Code and Chapter 2, Article XIV of the Oak Forest Municipal Code

**CITY COUNCIL.** The President and the City Council of the City of Oak Forest.

**BOARDING KENNEL.** Shall have the same meaning as the defined term "Boarding Kennel" in Section 5-1 of the City's Municipal Code.

**BUFFERING.** Any means of protecting a parcel from the visual or auditory effects of an adjacent use. Buffering may include, but is not limited to, berming, fencing, landscaping, setbacks open spaces.

**BUILDING.** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. References to "Building" shall in all cases be deemed to refer to both buildings and structures.

**BUILDING, ACCESSORY.** See Section 9-101 of this Code.

**BUILDING CODE.** The Building Code of the City of Oak Forest.

**BUILDING COVERAGE.** The percentage of a lot area covered by any building or structure. See also Subsection 12-206 L, "Lot Coverage," of this Section.

**BUILDING DEPTH.** The longest straight line that can be drawn through a structure substantially parallel to the side or corner side lot lines of the lot on which it is located.

**BUILDING, DETACHED.** A building surrounded entirely by open space.

**BUILDING OR STRUCTURE FRONT.** Except as provided in Subsection 12-206 H, "Height" of this Section, that exterior wall of a building or structure facing the front line of the lot on which it is located.

**BUILDING HEIGHT.** See Subsection 12-206 H of this Section.

**BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the lot on which said building is situated.

**BUILDING WIDTH.** The longest straight line that can be drawn through a structure parallel to the front lot line.

**BULK AND SPACE REGULATIONS.** The regulations of this Code pertaining to the permissible or required height, volume, area, floor area, floor area ratio, and dimensions, building coverage, lot coverage and usable open space applicable to uses and structures. The term does not include setback requirements.

**BUILDING SIGN.** A sign which is securely attached to the exterior wall of a primary or accessory structure.

**CANNABIS BUSINESS ESTABLISHMENT** a cannabis craft grower, cannabis cultivation center, cannabis transporter, cannabis processing organization, cannabis infusion facility, or cannabis dispensing organization.

**CANNABIS CONCENTRATE** a product derived from cannabis that is produced by extracting cannabinoids from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO<sub>2</sub>, ethanol, or isopropanol. The use of any other solvent is expressly prohibited unless and until it is approved by the Department of Agriculture.

**CANNABIS CONSUMPTION LOUNGE.** An indoor and/or outdoor confined space where cannabis may be consumed by persons over 21 years of age, by smoking, vaporizing or by edible consumption of cannabis, but where there shall be no cannabis sales permitted. The sale of foods and beverages subject to all applicable licensing restrictions, and other related items, including but not limited to cannabis consumption paraphernalia, shall also be permitted. The sale, consumption or possession of alcoholic beverages is prohibited. Only cannabis obtained from a licensed cannabis dispensing organization may be consumed at a cannabis consumption lounge, however, a cannabis consumption lounge shall not be required to have an adult use cannabis dispensing organization license or any other license

**CANNABIS CONTAINER** a sealed, traceable, container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

**CANNABIS CRAFT GROWER** a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a cannabis dispensing organization or use at a processing organization. A cannabis craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. A cannabis craft grower may share premises with a processing organization or a cannabis dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

**CANNABIS CULTIVATION CENTER** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments.

**CANNABIS DISPENSING ORGANIZATION** a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, cannabis craft grower, processing organization, cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers.

**CANNABIS FLOWER** marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of

all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

**CANNABIS-INFUSED PRODUCT** a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.

**CANNABIS INFUSION FACILITY OR INFUSER** a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

**CANNABIS PROCESSOR** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, and as further defined in the Cannabis Regulation and Tax Act, being 410 ILCS 705/1-1 et seq., as it may be amended from time-to- time, and regulations promulgated thereunder.

**CANNABIS TRANSPORTER** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program..

**CANOPY.** A roof-like structure of a permanent nature that projects from the wall of a building.

**CANOPY SIGN.** See Subsection 9-106 E of this Code.

**CARRY-OUT EATING PLACE.** See Subsection 12-206 E of this Section.

**CELLAR.** A portion of a structure located partly or wholly underground and having half or more than half its clear floor to ceiling height over half or more than half of its floor area below grade.

**CEMETERY.** A burial ground including structures such as mausoleums, columbarium, incidental management offices and maintenance facilities.

**CERTIFICATE OF NONCONFORMITY.** See Subsection 11-402 G of this Code.

**CERTIFICATE OF OCCUPANCY.** See Section 11-402 of this Code.

**CERTIFICATE OF ZONING COMPLIANCE.** See Section 11-401 of this Code.

**CHANGES TO THE REGULATORY FLOODWAY.** Changes in the original regulatory floodway due to:

6. Error in physical data or mathematical model;
7. Changed conditions;
8. Public flood control projects; or

9. Relocation of floodway storage and conveyance approved by a unit of local government.

Conditional approval of such a change must be obtained from IDNR/OWR and FEMA prior to construction of the floodway change. Final approval and revision of the regulatory floodway map will occur only after acceptance by IDNR/OWR and FEMA of as-built plans, and buildings and structures may thereafter be constructed.

**CHANNEL.** Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

**CHANNEL MODIFICATION.** Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bottom or banks. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g. straightening).

**CIRCULATION AISLE.** The means of access to a parking or loading space for a motor vehicle.

**CITY ENGINEER.** The head of the Engineering Department of the City.

**CITY MANAGER.** The chief administrative official of the City. When used in this Code, the term City Manager shall refer either to such official or to his duly authorized delegate.

**CIVIC USE OR PURPOSE.** An undertaking in which citizens of a community, by their cooperative action and as their central goal, seek to promote the general welfare and common good of the community; in other words, a community movement to accomplish community goals.

**CLASSIFICATION OR ZONING CLASSIFICATION.** The district into which a parcel of land is placed and the body of regulations to which it is subjected by this Code and the Zoning Map.

**COMMERCIAL BUILDING.** A building the principal use of which is a commercial use.

**COMMERCIAL DISTRICT.** Any district whose designation begins with the letter "C", as set forth in Section 2-101 of this Code.

**COMMERCIAL USE OR PURPOSE.** Any use permitted in a Commercial District.

**COMMERCIAL VEHICLE.** For purposes of this Code, all commercial vehicles shall be classified as either a Class I or Class II commercial vehicle. Any trailer including, but not limited to, tar hoppers, generators, cement mixers, or any portable construction or maintenance equipment that is not a camper trailer, a travel trailer, or a recreational vehicle trailer, shall be deemed a commercial vehicle. Unless otherwise provided, any reference in this Code to commercial vehicles shall be deemed to be made to both Class I and Class II commercial vehicles.

CLASS I. Any vehicle, other than a recreational vehicle, regardless of the use to which the vehicle is put or intended or designed to serve and regardless of any other classification system made applicable to vehicles by any other governmental body, that weighs in excess of 8,000 pounds in gross weight (including vehicle and maximum load).

CLASS II. Any vehicle that is not a recreational vehicle or a Class I commercial vehicle that is operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, including, without limitation, the following:

1. Any van with no side windows other than those adjacent to the driver and passenger seats, sometimes known as panel vans; or
2. Any other vehicle with any commercial markings or any removable equipment or merchandise stored on the exterior of the vehicle.

COMMUNITY RESIDENCE. A group home or specialized residential care home, the residents of which do not constitute a family, that serves persons with disabilities, that is licensed, certified or accredited by appropriate governmental entities having authority to license and approve said facility, and that does not serve as an alternative to incarceration for a criminal offense, whose primary reason for placement is treatment of a communicable disease. For purposes of this definition, "disabilities" means any disability:

1. Attributable to mental, intellectual, health or physical impairments or a combination thereof;
2. Likely to continue for a significant amount of time or indefinitely;
3. That results in a substantial impairment of a major life activity, as defined under the Americans With Disabilities Act; and
4. That reflects a person's need for a combination and sequence of interdisciplinary or generic care, treatment, rehabilitation or other services which are of a life-long or extended duration.

COMPENSATORY STORAGE. An artificially excavated, hydraulically equivalent volume of flood storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain.

COMPLETELY ENCLOSED BUILDING. A building separated on all sides from the adjacent open area, or from other buildings or structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or doors normally provided for the accommodation of persons, goods or vehicles. However, a parking structure that has less than 50 percent of its outer wall space open but that does not allow any parked vehicle within said structure to be seen from the exterior thereof shall be considered a completely enclosed building.

COMPREHENSIVE PLAN. See Subsection 11-201 P of this Code.

CONDITIONAL APPROVAL OF A DESIGNATED FLOODWAY MAP CHANGE. Preconstruction approval by IDNR-OWR and FEMA of a proposed change to the floodway map.

CONDITIONAL LETTER OF MAP REVISION (CLOMR). A letter which indicates that the Federal Emergency Management Agency will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

CONDITIONAL USE. See Subsection 11-206 U of this Section.

CORNER LOT. See Subsection 12-206 L of this Section.

CUL-DE-SAC. A minor street having one end open and one end permanently terminated by a vehicular turnaround.

CURB LEVEL. The street curb height at the midpoint of a lot line. Where curb exists, the elevation of the crown of the street at the midpoint of the lot line shall be deemed to be the curb level.

DAM. All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Dams may also include weirs, restrictive culverts or impoundment structures. Underground water storage tanks are not included.

DAY CARE. Daytime care or instruction, except elementary, secondary and schools of higher education, of children or adults away from their own homes by a person other than a relative, whether or not for compensation or reward.

DAY CARE NURSERY. A place providing day care for not more than eight children, including family members, being operated as a home occupation, and retaining all necessary state and local licenses.

DAY CARE SERVICE, CHILD. A place providing day care for children and not operated as a home occupation.

DAY SPAS. Establishment providing a combination of hair, nail, massage, and skin services. Some day spa services: facials, exfoliation, microdermabrasion, hair removal, waxing, laser therapy, microblading, permanent makeup, tattooing, deep pore cleansing, massages, body wraps and packs, salt glows, body scrubs, waxing, eyebrow tinting and dyeing, makeup applications. Massage establishments are provided as accessory uses (see Article 9 Part III-B).

DECK. A platform or structure serving a principal structure at thirty inches or more above grade and not covered by any permanent structure.

DEDICATION. The designation of land for a public use by the owner thereof.

DENSITY. The number of persons, families or dwelling units or the amount of gross floor area in a building, on a lot or in a development.

DENSITY, GROSS. The density of a development divided by the gross area of the development.

DENSITY, NET. The density of a development divided by the net area of the development.

DEPTH OF LOT. See Subsection 12-206 L of this Section.

**DETENTION.** Temporary storage of storm water to be released from the property at the same rate as it would be released from the property in its natural state, by means of a facility engineered for that purpose.

**DEVELOPMENT.** Any man-made change, other than maintenance of existing structures, paved areas or utilities, to improved or unimproved real estate, including, without limitation, the construction or installation of new, or enlargement of existing structures, streets or utilities; dredging, filling, drilling, mining, grading, paving or excavating operations; and open storage of materials.

**DIRECTIONAL SIGN.** A permanent monument or pole sign located on private property either within five (5) feet of a curb cut onto a public or private right-of-way, or within a parking lot not easily visible from said right-of-way.

**DISPLAY SURFACE OR FACE.** The area made available by a sign structure for the purpose of displaying the sign's message.

**DISTANCE OF SIGN PROJECTION.** The distance from the exterior wall surface of a building to the sign element farthest distant from such surface.

**DISTRICT OR DISTRICT, ZONING.** See Subsection 12-206 Z of this Section.

**DISTRICT BOUNDARY LINE.** A line on the Zoning Map separating one district from another. See also Subsection 2-103 C of this Code.

**DISTRICT BOUNDARY LOT.** Any lot or parcel of land any lot line of which coincides with a district boundary line or which is contiguous to a public or private right-of-way containing a district boundary line.

**DRIVE-THROUGH FACILITY.** An establishment or facility that provides products or services to occupants seated inside a motor vehicle, other than within a building, but not including dispensing of fuels at an automobile service station. Pick-up, drop-off, ordering and service are handled through a drive-through window.

**DRIVE-THROUGH WINDOW.** A window, other fenestration or other device provided within the structure of a building designed for the delivery of goods or products to a vehicle and through which compensation for such may be exchanged, including the making of change and the order of such goods.

**DRIVEWAY.** A private access way that provides direct access from a street to not more than one lot or one principal building or use, except as may otherwise be provided by the City Council pursuant to Section 22-60 of the Oak Forest Municipal Code (1988).

**DWELLING.** Any structure or portion thereof designed or used for habitation by one or more families.

**DWELLING, MULTIPLE FAMILY.** A dwelling, other than a single family attached dwelling, containing more than two dwelling units.

DWELLING, SINGLE FAMILY ATTACHED. See Subsection 12-206 D, "Dwelling, Townhouse."

DWELLING, SINGLE FAMILY DETACHED. A dwelling containing only one dwelling unit, situated on a separate subdivision lot or being a separate condominium unit capable of individual sale and completely surrounded by open space.

DWELLING, TOWNHOUSE. A dwelling composed of a row of two or more, but not more than eight adjoining dwelling units, each situated on a separate subdivision lot or being a separate condominium unit capable of individual sale and each of which is separated from the others by one or more unpierced walls extending from ground to roof.

DWELLING, TWO FAMILY. A dwelling, other than a single family attached dwelling, containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

DWELLING UNIT. Any room or group of rooms located within a dwelling forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

EARTHBORNE VIBRATIONS. A cyclic movement of the earth due to the propagation of mechanical energy.

EASEMENT. Authorization by a property owner for the use by another, and for a specified purpose, of any designated area of his property. The term also refers to such a designated area.

EATING PLACE. An establishment where food is available to the general public primarily for consumption within a structure on the premises, where at least 50 percent of the gross floor area of the establishment is devoted to patron seating.

EATING PLACE, CARRY-OUT. An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises.

EATING PLACE, DRIVE-IN. A drive-in establishment where food is prepared and served to persons in, or for consumption in motor vehicles.

EFFECTIVE DATE. See Section 12-107 of this Article.

ELECTRONIC MESSAGE CENTER. A ground sign that has changeable, electronic copy composed of a series of lights that is used as an accessory display tool to the primary monument or pole sign cabinet.

ELEVATION CERTIFICATE. A form published by FEMA that is used to certify the elevation to which a building has been elevated.

EMPLOYEE, SEXUALLY ORIENTED BUSINESS. A natural person who performs any service or work on the premises of a sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing support

functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. EMPLOYEE does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises

ENLARGEMENT. An addition to the floor area of an existing building or an increase in the size of any other existing structure.

EROSION. The general process whereby soils are moved by flowing water or wave action.

ETHICS CODE. The City of Oak Forest Code of Ethics.

EXCEPTION. See Section 11—505 of this Code.

EXCRETORY FUNCTIONS. Urination, defecation, lactation, ejaculation and menstruation. It shall not mean urination and defecation performed in a public or employee-only restroom in the manner in which those facilities are intended to be used, and when not performed or presented for a commercial purpose. It shall not mean lactation as part of breast-feeding an infant, unless performed or displayed for a commercial purpose other than education and training in the art, science or technique of breast-feeding an infant.

EXEMPT SIGN. A sign that does not require a permanent or temporary sign permit.

EXTENSION. An increase in the amount of existing floor area used for an existing use within an existing structure or an increase in that portion of a tract of land occupied by an existing use.

EXTERIOR WALL. Any wall of a building or structure one side of which is exposed to the outdoors.

FAMILY. One or more persons related by blood, marriage, legal adoption or guardianship, or not more than three persons not so related, together with gratuitous guests and domestic servants, living together as the functional equivalent of a traditional family and a single housekeeping unit.

FEATHER FLAG SIGN. A temporary ground sign typically made of non-rigid, cloth-like material which is attached to a single pole and is taller than it is wide.

FEMA. Federal Emergency Management Agency and its regulations at 44 CFR Parts 59-79, as amended.

FENCE. A barrier structure used as a boundary or as a means of protection, confinement or screening.

FENCE, PERMITTED. A legally installed fence which has been issued a building permit and passed all required inspections or is otherwise required by the Oak Forest Building Code.

FENCE SIGN. A temporary ground sign made of non-durable materials that is typically securely attached to a permitted fence.

**FINAL PLAT OF SUBDIVISION.** A map or plan of record of a subdivision, and any accompanying materials, prepared in accordance with Article VIII of the Oak Forest Subdivision Ordinance.

**FLAG SIGN.** A piece of cloth or similar material typically attached by one edge to a freestanding pole or rope used as a symbol or as a signal.

**FLOOD.** A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD FRINGE.** That portion of the floodplain outside of the designated regulatory floodway.

**FLOOD FREQUENCY.** A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

**FLOOD INSURANCE RATE MAPS (FIRM).** An official map prepared by the Federal Emergency Management Agency (FEMA) that depicts the Special Flood Hazard Areas (SFHA's) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

**FLOOD INSURANCE STUDY.** An examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations.

**FLOOD PLAIN.** That land typically adjacent to a body of water or watercourse with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached Special Flood Hazard Areas (SFHA's), ponding areas, or areas not adjacent to a body of water or watercourse. The floodplains are those lands within the City of Oak Forest that are subject to inundation by the base flood or one hundred (100) year frequency flood. The flood plains within the City of Oak Forest are generally identified on the maps, plans and studies referenced in Section 8-204 of this Code.

**FLOOD PROTECTION ELEVATION (FPE).** The elevation of the base flood or one hundred (100) year frequency flood event plus one (1) foot of freeboard at any given location in the SFHA.

**FLOODPROOFING.** Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODPROOFING CERTIFICATE.** A form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

**FLOODWAY.** See Subsection 12-206 R "Regulatory Floodway" of this Code.

**FLOOR AREA, GROSS.** (For determining maximum gross floor area for single family detached dwellings in NEIGHBORHOOD RESIDENTIAL DISTRICTS.) The sum of the gross horizontal areas of all floors of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the center line of walls separating two buildings or uses. Gross floor area shall include, without limitation, areas such as:

5. basement floors;
6. area devoted to off-street parking or loading, whether in attached or detached structures;
7. elevator shafts and stairwells at each floor;
8. floor spaces and shafts used for mechanical, electrical and plumbing equipment, except equipment located in a cellar or on the roof; and
9. penthouses;
10. interior balconies and mezzanines;
11. enclosed porches;
12. floor space used for accessory uses; and
13. where any space has a floor to ceiling height of 14 feet or more, each 14 feet of height, or fraction thereof, shall constitute a separate floor; provided, however, for spaces with a sloping or slanting ceiling, only that portion of such space with a floor to ceiling height of 14 feet or more shall be treated as a separate floor.

Gross floor area shall exclude the following specific areas:

1. cellar floors;
2. attic floors, regardless of the clear ceiling height;
3. decks and patios;
4. open, unenclosed porches, not exceeding eight feet in depth;
5. chimneys projecting not more than two feet from an exterior wall;
6. bay windows projecting not more than three feet from an exterior wall for a distance not more than 1/3 of the length of such wall provided that such projections shall come entirely within planes drawn from the main corners of the building at an interior angle of 45 degrees with the wall in question; and
7. the first 200 square feet of accessory storage structures other than garages, when authorized pursuant to Paragraph 9-101 D1 of this Code.

FLOOR AREA, GROSS. (for all purposes except determining maximum gross floor area for single family detached dwellings in neighborhood residential districts and off-street parking and loading requirements in all districts.) The sum of the gross horizontal areas of all floors of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the center line of walls separating two buildings or uses. Gross floor area shall include areas such as basement floors, but not cellar floors; elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical and plumbing equipment, except equipment located in a cellar or on the roof; penthouses; attic floors, except where the clear ceiling height is less than

seven feet; interior balconies and mezzanines; enclosed porches and floor space used for accessory uses. It shall not include floor area devoted to off-street parking or loading. Where any space has a floor to ceiling height of more than 16 feet, only the first 16 feet of space shall constitute a floor for the purpose of calculating gross floor area.

**FLOOR AREA, NET.** (For determining off-street parking and loading requirements.) The gross floor area of a building minus floor space devoted to washrooms intended for general public use; elevator shafts and stairwells at each floor; floor space and shafts used for mechanical, electrical, and plumbing equipment; basement and attic floor space used only for bulk storage.

**FLOOR AREA RATIO (FAR).** The gross floor area of a building divided by the total lot area of the zoning lot on which it is located. For planned developments, the FAR shall be determined by dividing the gross floor area of all principal buildings by the net area of the site

**FOOT CANDLE.** The illumination at all points one foot distant from a uniform point source of one candle power.

**FREEBOARD.** An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams, bridge openings and the hydrological effect of development within the watershed.

**FRONT LOT LINE.** See Subsection 12-206 L of this Section.

**FRONTAGE.** All the property fronting on one side of a street, measured along such street, between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of 30 feet, an end of a dead-end street, a watercourse or a City boundary.

**FRONTAGE, ZONING LOT.** All of the property of a zoning lot fronting on a street, measured along the front and corner side lot lines.

**GARAGE.** A structure, or part thereof, designed or used for the parking and storage of vehicles at one or more levels.

**GOVERNMENTAL SIGN.** A sign that is erected and maintained pursuant to, and in the discharge of, any governmental function, or required by any law, ordinance or governmental regulation.

**GRADE.** In all zoning districts other than Neighborhood residential districts and the Residential and Limited Commercial District, for structures more than 5 feet from any street line, the average level of the finished surface adjacent to the structure, and for structures any portion of which is located within 5 feet of a street line or lines, the curb level, or the average of the curb levels at such street line or lines.

In all Neighborhood residential districts and the Residential and Limited Commercial District, the normal contour of the land at the location of the proposed structure or development prior to the construction of such structure or development, as established by the City Engineer; provided, however, that if no normal contour can be established, then grade shall mean (1) the curb level, or the average of the curb levels, adjacent to the street line or lines, or (2) where no curbs exist, the level of the center line of the street, or the average level of the center line of the street, adjacent to the street line or lines.

GRADING. Reshaping natural land contours using natural land materials.

GROUND SIGN. A sign which is permanently or temporarily attached to the ground, via one or more support posts or other support structure and is not attached to any principal or accessory buildings on a property.

HANDHELD SIGN. A type of portable sign that is not self-supported and is carried, supported or under the immediate control of a human being.

HEIGHT. In all zoning districts other than Neighborhood residential districts and the Local Commercial District, the vertical distance measured from grade at the front of a structure to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip, and gambrel roofs or to the highest point of a structure without a roof. Where a parapet wall, penthouse, mechanical equipment or any similar structure is located on the roof of a building, building height shall be measured to the highest point of said structure if any part of it extends above the height as measured pursuant to the first sentence of this definition. Where a structure faces more than one street, the structure face with the greater height when measured as herein required shall be deemed to be the front of the structure for purposes of measuring structure height.

In all Neighborhood residential districts and the Local Commercial District, the vertical distance measured from grade to the highest point of a structure. For the purposes of this definition in Neighborhood residential districts and the Local Commercial District, "highest point of a structure" shall mean the point of said structure that is located at the highest vertical distance above grade. Chimneys of principal residential buildings shall not be included in determining the said highest point. Where a zoning lot has more than one grade at the location of the building or structure, the structure face with the greater height when measured as herein required shall be used for purposes of measuring structure height.

HEIGHT, GROUND SIGN. The vertical distance from grade to the top of any exempt, temporary, or permanent ground sign, including any the base or structural support and any design development surrounding or enclosing the sign face.

HOME OCCUPATION. A home occupation is a business, profession, occupation or trade that:

1. Is conducted for gain or support by a full-time occupant of a dwelling unit;
2. Is incidental and secondary to the use of such dwelling unit for dwelling purposes; and
3. Does not change the residential character of such dwelling unit.

HOTEL. An establishment offering transient lodging accommodations, that is commonly known as a hotel in the community in which it is located, and that provides customary hotel services such as maid service, furnishing and laundry of linen, telephone service, desk service, bellboy service and the use and upkeep of furniture.

**HOTEL, EXTENDED STAY.** An establishment offering transient lodging accommodations to the general public that are, accessed through a central area or main lobby, and that have limited kitchen facilities and are rented on a weekly basis a majority of the time; provided, however, that no more than four guests shall occupy any unit of such accommodations at any one time.

**HYDROLOGIC and HYDRAULIC CALCULATIONS.** Engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

**IDNR/OWR.** The Illinois Department of Natural Resources - Office of Water Resources or the successor to its responsibilities.

**ILLUMINATED TUBING.** A type of illumination which consists of one or more thin, cylindrical bulbs that contain multiple light-emitting diodes, commonly known as LEDs, or other lighting technology other than neon gas, used to emit a bright light. These are typically formed in the shape of the structure for which it serves as a border.

**IMPROVEMENT OR FACILITY, PUBLIC.** A sanitary sewer, storm sewer, drainage appurtenance, water main, roadway, parkway, sidewalk, planting strip or other facility for which the City or any other governmental agency may assume maintenance or operational responsibility.

**INDUSTRIAL BUILDING.** Any building the principal use of which is an industrial use.

**INDUSTRIAL DISTRICT.** Any district whose designation begins with the letter "I" as set forth in Section 2-101 of this Code.

**INDUSTRIAL USE OR PURPOSE.** Any use permitted in an Industrial District.

**INFLATABLE SIGN.** A temporary sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled sufficient volume of air or gas.

**INSTITUTIONAL BUILDING.** Any building the principal use of which is an Institutional use.

**INSTITUTIONAL USE OR PURPOSE.** Any use permitted in the Institutional Buildings District.

**INTEGRATED CENTER.** A grouping of compatible uses on a single zoning lot, such uses being in either single ownership or under unified control.

**INTEGRAL SIGN.** Names of buildings, dates of erection, monumental citations and commemorative tablets or other information which constitutes as a sign that is carved into stone, concrete, or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

**INTERPRETATION.** See Section 11-501 and Article XII, Part 2, of this Code.

**INTERIOR ILLUMINATED SIGN.** A window sign which consists of light emitting diodes, commonly known as LEDs, or other lighting technology other than neon gas, and is installed on the interior of a window, commonly used by commercial businesses. This definition shall not include interior neon signs or electronic message centers.

INTERIOR LOT. See Subsection 12-206 L of this Section.

JOINT IDENTIFICATION SIGN. See Subsection 9-106 of this Code.

LANDBANKING. Setting aside land area for future use. See also Subsection 9-104 E of this Code.

LEGAL NONCONFORMING LOT OF RECORD. See Subsection 12-206 N of this Section.

LEGAL NONCONFORMING STRUCTURE. See Subsection 12-206 P, "Pre-Code Structure."

LEGAL USE. See Subsection 12-206 U, "Use, Legal."

LESS RESTRICTIVE DISTRICT. See Section 2-102 of this Code.

LETTER OF MAP AMENDMENT (LOMA). An official determination by FEMA following a review of scientific or technical data that a specific property or portion of a property is not in a 100-year floodplain. The LOMA amends the FIRM.

LETTER OF MAP REVISION (LOMR). Letter that revises base flood or 100-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FIRM.

LIMITED FINANCIAL SERVICE FACILITY. A facility established by an existing banking or financial institution that offers limited financial services only to businesses conducted within the contiguous area of the district in which the Limited Financial Service Facility is located.

LIVE ENTERTAINMENT. A public performance intended to be diverting or engaging with or without the use of instrumental, electronic or mechanical accompaniment.

LOADING SPACE. An area used for the standing, loading or unloading of truck or trailer.

LOT. See "Lot of Record" and "Lot, Zoning," infra. Unless the context indicates otherwise, all references in this Code to a "lot" shall be deemed to mean a "zoning lot."

LOT AREA, TOTAL. The total land and water area included within lot lines, excluding, however, areas subject to easements for public or private access or egress.

LOT AREA PER UNIT. That portion of the total lot area allocated for each dwelling unit located on a lot.

LOT, BUILDABLE AREA OF A. That portion of a lot bounded by the required setbacks.

LOT, BUILDABLE WIDTH OF A. The width of a lot remaining as buildable after side setbacks and corner side setbacks are provided.

LOT, CORNER. A lot abutting upon two or more intersecting streets or a lot bounded on two sides by a curving street where it is possible to draw two intersecting tangents, one each commencing at each of the two points of intersection of the lot lines and street line, which intersect with each other to form an interior angle of less than 135 degrees.

**LOT COVERAGE.** The percentage of a lot's area covered by any building or structure or any impermeable surface other than streets, whether public or private, public sidewalks, private sidewalks under common ownership, or water bodies. See also Subsection 12-206 B, "Building Coverage" of this Section.

**LOT DEPTH.** The minimum straight line distance between the front and rear lot lines.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINE, CORNER SIDE.** Any street line of a corner lot other than its front lot line.

**LOT LINE, FRONT.** In the case of an interior lot abutting upon only one street, the line separating such lot from the right-of-way of such street; in the case of a through lot, each line separating such lot from the right-of-way of a street shall be considered a front lot line; in the case of a corner lot, the shorter lot line separating such lot from the right-of-way of a street shall be considered to be the front lot line.

**LOT LINE, REAR.** The rear lot line is the lot line or lot lines generally opposite or most nearly parallel to the front lot line. In the case of triangular shaped lots or a lot having a rear lot line less than ten feet in length, the rear lot line shall be deemed to be an imaginary line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front line. City of

**LOT LINE, SIDE.** Any lot line other than a front, corner-side or rear lot line.

**LOT LINES.** The property lines bounding a lot; provided, however, that where a lot includes land subject to a public right-of-way easement for street purposes, the line separating such right-of-way from the rest of the lot shall be deemed to be the lot line.

**LOT, MINIMUM TOTAL AREA OF.** The smallest lot on which a particular use or structure may be located in a particular district.

**LOT OF RECORD.** A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds, or a parcel of land separately described in a recorded instrument.

**LOT, THROUGH.** A lot having frontages on two non-intersecting streets.

**LOT, WIDTH OF.** The shortest distance between side lot lines measured by a line passing through the center point of the required front setback line.

**LOT, ZONING.** A tract of land consisting of one or more lots of record, or parts thereof, under single fee simple title ownership or control, located entirely within a block and occupied by, or designated by its owner or developer at the time of filing for any zoning approval or building permit as a tract to be developed for, a principal building and its accessory buildings, or a principal use, together with such open spaces and setbacks as are designed and arranged, or required under this Code, to be used with such building or use. Notwithstanding the foregoing, sale of individual lots of record underlying individual dwelling units in an attached or two family dwelling, following issuance of a Certificate of Occupancy for such dwelling, shall not prevent treatment of the tract of land underlying such dwelling as a zoning lot and all applicable bulk, space and setback

requirements shall be applied with respect to such dwelling and such zoning lot rather than with respect to individually-owned dwelling units and lots of record.

MAJOR AUTOMOBILE REPAIR. See Subsection 12-206 A of this Section.

MARQUEE OR CANOPY. A roof-like structure of a permanent nature that projects from the wall of a building.

MAXIMUM HEIGHT, BUILDING SIGN. The vertical distance from grade to the top of any exempt, temporary, or permanent building sign.

MINIMUM LOT AREA. See Subsection 12-206 L of this Section.

MINOR AUTOMOBILE REPAIR. See Subsection 12-206 A of this Section.

MIXED USE. The use of a property being a combination of primary uses, including, but not limited to residential and non-residential uses.

MINIMUM HEIGHT, BUILDING SIGN. The vertical distance from grade to the bottom of any exempt, temporary, or permanent building sign

MOBILE SIGN. A type of portable sign that is attached to, or carried by, any motor vehicle, bicycle or other similar apparatus.

MONUMENT SIGN. A permanent ground sign that is mounted to or part of an independent base affixed to the ground and designed as an integral part of that base.

MOTEL. An establishment offering transient lodging accommodations that provides services similar to a hotel and that has individual entrances from the outside of the building for at least 25 percent of the lodging accommodations located therein.

MOVING OR ANIMATED SIGN. Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of movement or rotation, excluding electronic message center signs as defined above.

MULTIPLE FAMILY DWELLING. See Subsection 12-206 D of this Section.

MUNICIPAL CODE. The Oak Forest Municipal Code.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). That program established by Congress at 42 U.S.C. Sec. 4001 et seq. to provide a means of insuring property losses caused by flood risks.

NAVD. North American Vertical Datum of 1988. NAVD 88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

NET FLOOR AREA. See Subsection 12-206 F of this Section.

NEON SIGN. An illuminated sign primarily constructed of exposed neon tubing.

NEON SIGN, INTERIOR. A neon window sign which is installed on the interior of a window, commonly used by commercial businesses.

NEON TUBING. A type of illumination which consists of one or more thin, cylindrical bulbs that contain neon gas, used to emit a bright, vibrant light, and are typically formed in the shape of the structure of which it serves as a border.

NONCONFORMING LOT OF RECORD. A lot of record that does not comply with the lot requirements for any permitted use in the district in which it is located.

NONCONFORMING LOT OF RECORD, LEGAL. A nonconforming lot of record that:

4. Was created by a plat or deed recorded and came into ownership separate from adjoining tracts of land, at a time when the creation of a lot of such size, shape, depth and width at such location would not have been prohibited by any ordinance or other regulation; and
5. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such a lot has been prohibited by any applicable ordinance or other regulation.

NONCONFORMING SIGN. Any sign lawfully existing on the effective date of this Code, or any amendment to it rendering such sign nonconforming, does not comply with all of the standards and regulations of this Code or any such amendment hereto.

NONCONFORMING STRUCTURE. See Subsection 12-206 P, "Pre-Code Structure."

NONCONFORMING USE. Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this Code, or any amendment to it rendering such use nonconforming, that does not comply with all of the regulations of this Code, or any such amendment hereto, governing use for the zoning district in which such land, building or structure is located.

NUDITY or NUDE. Exposing to view specified anatomical areas or any device, costume, or covering that gives the appearance of or simulates any specified anatomical areas.

OAK FOREST STANDARDS AND SPECIFICATIONS. Standards and Specifications for Public and Private Improvements.

NURSING AND PERSONAL CARE FACILITY. An establishment that provides full-time nursing and health related personal care, but not hospital services, with in-patient beds for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such an establishment; a hospital shall not be construed to be included in this definition.

OBSOLETE DEVELOPMENT. Property used in a manner that is no longer compatible with uses on surrounding properties due to the trend of development, regardless of conformancy with the regulations of this Code.

OFFICE BUILDING. Any building the principal use of which is an office use.

OFFICE DISTRICT. Any district, except the Open Space District, whose designation begins with the letter "O" as set forth in Section 2-101 of this Code.

OFFICE USE OR PURPOSE. Any use permitted in an Office District.

OFFICIAL COMPREHENSIVE PLAN. See Subsection 11-201 B of this Code.

OFFICIAL MAP. See Section 11-202 of this Code.

ONE HUNDRED (100) YEAR FREQUENCY FLOOD ELEVATION. See Base Flood Elevation in Subsection 12-206 B of this Code.

ONE HUNDRED (100) YEAR FREQUENCY FLOOD EVENT. See Base Flood in Subsection 12-206 B of this Code.

ONE-ON-ONE PERSONAL FITNESS TRAINING FACILITY. An establishment offering only one-on-one personal fitness training, by appointment only, and no group fitness training activities. Each client must work directly with a certified personal trainer when using such an establishment, and each trainer shall work with no more than two clients at one time.

ONE-ON-ONE SCHOOLS AND EDUCATIONAL SERVICES. An establishment offering only one-on-one educational training, by appointment only, and no group tutorial activities. Each student must work directly with a personal instructor when using such an establishment, and each instructor shall work with no more than two students at one time.

OPEN SALES LOT. Land used or occupied for the purpose of buying, selling or renting merchandise out-of-doors.

OPEN SPACE AND USABLE OPEN SPACE. An area or areas of a lot, including required setbacks, that is:

6. Open and unobstructed from ground to sky except by facilities specifically designed, arranged and intended for use in conjunction with passive or active outdoor recreation or relaxation;
7. Located at least five feet from any structure arranged and intended for use in conjunction with passive or active outdoor recreation or relaxation;
8. Landscaped, maintained or otherwise treated to create a setting appropriate to recreation or relaxation; and
9. Accessible and usable by the residents of all dwellings, or the users of all nonresidential buildings, it is intended or required to serve.

OPEN SPACE, COMMON. Open space held in private ownership, regularly available for use by the occupants of more than one dwelling or the users of more than one nonresidential building.

**OPEN SPACE, PRIVATE.** Open space held private ownership, the use of which is normally limited to the occupants of one dwelling or the users of one nonresidential building.

**OPEN SPACE, PUBLIC.** Open space dedicated to or owned by any government or governmental agency or authority.

**ORDINARY HIGH WATER MARK (OHWM).** The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

**OWNER.** Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by this Code, full disclosure of all legal and equitable interests in the property is required.

**PARKING AREA.** Any land area, not located in a garage, designed and used for the parking of not more than four vehicles.

**PARKING LOT.** Any land area designed or used for the parking, and associated circulation, of more than four vehicles.

**PARKING SPACE.** An area for the parking of a vehicle.

**PARTICULATE MATTER.** Material other than water that is suspended or discharged into the atmosphere in a finely divided form as a liquid or solid.

**PERIMETER LANDSCAPED OPEN SPACE.** A landscaped open space intended to enhance the appearance of, or screen from view, parking lots and other outdoor aesthetically unpleasant uses or areas or to create a transition between incompatible uses by means of appropriate buffering, landscaping or screening primarily along lot lines.

**PERMITTED USE.** See Subsection 12-206 U of this Section.

**PERSONAL WIRELESS SERVICES.** Commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.

**PERSONAL WIRELESS SERVICES ANTENNA.** An antenna used in connection with the provision of personal wireless services.

**PLANNED DEVELOPMENT.** See Section 11-603 of this Code.

**PLAN COMMISSION.** The Plan Commission of the City of Oak Forest.

**POLE SIGN.** A permanent ground sign that is supported by one or more columns, uprights, poles or braces that extend from the ground or from an object on or in the ground.

**POLITICAL ELECTION SIGN.** A type of yard or pin sign that announces or supports political candidates or issues in connection with any national, state or local election.

**PORTABLE SIGN.** A type of temporary sign which is not attached to the ground, building, structure, or fence and is designed to be easily moved from place to place.

**POST SIGN.** A ground sign which may be installed on a temporary or permanent basis is constructed of finished wood, PVC, or other durable material, and is supported by one or two posts in the ground that are a minimum of three (3) inches in width.

**PRE-CODE STRUCTURE.** Any building or structure, other than a sign, lawfully existing on the effective date of this Code, or any amendment to it rendering such building or structure nonconforming, that:

10. Does not comply with all of the regulations this Code, or any such amendment thereto, governing parking, loading or bulk and space requirements for the zoning district in which such building or structure is located; or
11. Is located on a lot that does not, or is so located on a lot as not to, comply with the setback requirements for the zoning district in which such building or structure is located; or
12. Both 1. and 2.; except
13. Any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a pre-code structure.

**PREMISES.** A lot, plot or parcel of land, together with the buildings and structures thereon.

**PRINCIPAL STRUCTURE OR BUILDING.** A structure or building on a zoning lot intended to be utilized for a principal use and to which any other structure on such lot must be accessory.

**PRINCIPAL USE.** The use of a zoning lot, whether a permitted or specially permitted use, designated by the owner of such lot as the primary or main use of such lot and to which any other use on such lot must be accessory.

**PLAT, FINAL.** See Subsection 12-206 F, "Final Plat."

**PRIVATE RIGHT-OF-WAY.** See Subsection 12-206 R of this Section.

**PROJECTING SIGN.** A sign that is affixed to any building or structure that projects outward from the building or structure by more than 12 inches.

**PROPERTY LINE.** See "Lot Line" at Subsection 12-206 L of this Section.

**PUBLIC BODY OF WATER.** Any open public stream or lake capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and any lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

**PUBLIC FLOOD CONTROL PROJECT.** A flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

**PUBLIC HEARING.** A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act at which members of the general public must be permitted to give testimony, evidence or opinions relevant to the subject matter.

**PUBLIC IMPROVEMENT OR FACILITY.** See Subsection 12-206 I of this Section.

**PUBLIC MEETING.** A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act where members of the general public, as opposed to members of the Board or Commission and as opposed to the applicant for relief, have no right (but may be given the opportunity) to offer testimony, evidence or opinions.

**PUBLIC UTILITY.** Any person, firm or corporation under public regulation furnishing franchised services such as cable television, electricity, gas, telephone, water or sewage service.

**PUBLIC UTILITY SIGN.** A sign that is erected by public utility companies or construction companies to warn of danger or hazardous conditions, including, without limitation, any sign indicating the presence of underground cables, gas lines, and similar devices.

**PUBLIC RIGHT-OF-WAY OR PUBLIC WAY.** See Subsection 12-206 R of this Section.

**RAILROAD RIGHT-OF-WAY.** A strip of land with tracks and auxiliary facilities track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car setbacks.

**REAR LOT LINE.** See Subsection 12-206 L of this Section.

**REAR SETBACK.** See Subsection 12-206 Y of this Section.

**REAR SETBACK LINE.** See Subsection 12-206 Y of this Section.

**RECREATIONAL DEVICE.** A structure or outdoor facility intended primarily for recreational use by children such as, but not limited to, a play house, a swing set, a trampoline or a sand box.

**RECREATIONAL FACILITY, RESIDENTIAL.** An area, court, pool or facility, other than a recreational device, intended for active recreational or athletic use such as game courts, swimming pools or ball fields established as an accessory use to a residential dwelling.

**RECREATIONAL VEHICLE.** campers, motor homes, off road motorcycles, 3 or 4 wheeled all terrain vehicles, snowmobiles, jet skis and other vehicles intended for recreational use

**REDEVELOPMENT.** The significant reconstruction, alteration, expansion, or other change in a structure or use, or the division of a parcel of land into additional parcels.

**REGISTERED LAND SURVEYOR.** A land surveyor registered in the State of Illinois, under The Illinois Land Surveyors Act 225 ILCS 330/1 et seq.

**REGISTERED PROFESSIONAL ENGINEER.** An engineer registered in the State of Illinois, under The Illinois Professional Engineering Practice Act 225 ILCS 325/1 et seq.

**REGULATORY FLOODWAY.** The channel, including on-stream lakes, and that portion of the flood plain adjacent to a stream or watercourse as designated by IDNR/OWR, which is needed to store or convey the existing and anticipated future one hundred (100) year frequency flood discharge with no more than a one-tenth (0.1) foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten percent (10%) increase in velocities. The regulatory floodways are designated for the West and Middle Forks of the North Branch of the Chicago River and their tributaries, on the maps, plans and studies referenced in Section 8-204 of this Code. Also sometimes referred to as a “Designated Floodway.”

**RESIDENTIAL STRUCTURE.** A structure containing one or more dwelling units.

**RESIDENTIAL DISTRICT.** Any district the designation of which begins with the letter "R" as set forth in Section 2-201 of this Code.

**RESIDENTIAL USE OR PURPOSE.** Any use permitted in a Residential District.

**RETENTION/DETENTION FACILITY.** A retention facility stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

**RIGHT-OF-WAY.** A strip of land designated for use for vehicular or pedestrian access or passage or for installation of railroad tracks, utility lines or similar facilities.

**RIGHT-OF-WAY, PRIVATE.** A right-of-way that has not been dedicated to or accepted by any government agency.

**RIGHT-OF-WAY, PUBLIC.** A right-of-way that has been dedicated to and accepted by a government agency.

**RIVERINE SFHA.** Any SFHA subject to flooding from a river, creek, intermittent stream, brook, ditch, on-stream lake system or any other identified channel. Riverine SFHA does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

**ROOMING UNIT.** Any habitable room or group of not more than 2 habitable rooms forming a single habitable unit used for living and sleeping, but not for cooking or eating purposes.

**ROPE LIGHTING.** See “illuminated tubing”

**RUNOFF.** The water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

**SCREENING.** A structure erected or vegetation planted to conceal an area from view.

**SEDIMENTATION.** The processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

**SEMI-NUDITY or SEMI-NUDE.** Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

**SENIOR CITIZEN HOUSING.** A dwelling unit in a dwelling:

1. Constructed, maintained and operated for the exclusive occupancy by:
  - (a) Persons who are at least 62 years of age;
  - (b) Persons who are under a disability or are handicapped as determined by the regulations of the United States Department of Housing and Urban Development; or
  - (c) 2 or more persons, one of whom meets the occupancy criteria stated in (a) or (b); provided, however, that not more than one dwelling unit in such dwelling may be occupied by a resident manager who does not meet the aforesaid occupancy criteria; and
2. Which complies with such special construction standards that may from time to time be imposed on dwellings constructed and maintained pursuant to the United States Housing Act of 1937 by federal statute or regulation and such additional special construction standards for Senior Citizen Housing as the City Council may, from time to time, approve by ordinance or resolution; and
3. Which may provide communal eating facilities for the exclusive use of the aforesaid occupants and their occasional guests.

**SETBACK.** The required minimum horizontal distance between a property line, or other line, and a building.

**SEXUALLY ORIENTED AMUSEMENT DEVICE.** Any machine or device which is designed, intended, displayed or kept as an amusement or entertainment, and may be operated upon the insertion of a coin, slug, token, plate, disc, electronic key, credit card, debit card or any similar item, or the use of which is made available for any valuable consideration, and which displays a natural person, people, or characters as in cartoons and animation, live or by any medium, including without limitation film, motion picture machine, projector, filmstrip, videotape, digital video disc (DVD), laser disc, compact disc (CD), floppy disc, photograph, slide, television, book, magazine, and computer software, engaged in specified sexual activity or displaying specified anatomical areas.

**SEXUALLY ORIENTED BUSINESS.** Any of the following when done in a place where the public is invited or permitted, or when done for any commercial purpose including sale and rental, regardless of who pays or receives the consideration therefore, and regardless of the form of consideration:

1. Exhibition or display of a natural person or people in the state of nudity or semi-nudity, or engaged in specific sexual activities, or excretory functions;
2. Premises with a sexually oriented amusement device;
3. Rental or leasing of a hotel room, motel room or similar room for a period not exceeding ten hours, but not including dining rooms, banquet rooms, ball rooms, conference rooms and similar facilities unless they are used or to be used for specified sexual activities or excretory functions;
4. Offering of physical contact in the form of wrestling or tumbling between natural persons of the opposite sex, when one or more of the persons is nude or semi-nude, and also the offering of physical contact which constitutes specified sexual activities regardless of the sex of the person performing or receiving the contact;
5. Offering of products, services or activities by or with a natural person or people when one or more of the people, whether a patron, agent, employee or otherwise, is in a state of nudity or semi-nudity;
6. Displaying or offering to others any recorded depiction of a natural person, or created image or character, as in cartoons and animation, by any medium, including without limitation film, videotape, closed-circuit television, digital video disc (DVD), laser disc, compact disc (CD), floppy disc, photograph, slide, television, book, magazine, and computer software, which is:
7. Characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas;
8. Advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas, including without limitation, the use of the term "adult" and the use of the designation of one or more "X" such as, but not limited to, "XXX";
9. The display and offering to others of novelties, instruments, devices, or paraphernalia that are designed primarily for use in connection with specified sexual activities or that give the appearance of or simulate any of the specified anatomical areas;
10. The term SEXUALLY ORIENTED BUSINESS shall exclude the following:
  - (a) The display and offering to others of condoms, spermicide or other non-prescription contraceptives, unless displayed and offered to others on the premises of a business which would otherwise be considered a sexually oriented business;
  - (b) The display and offering to others of drugs, instruments or devices which require a prescription, that are designed primarily for use in connection with

specified sexual activities, and which are in fact dispensed by or under the supervision of a pharmacist licensed by the State of Illinois;

- (c) The display and offering to others of instruments, devices, or paraphernalia that are designed primarily for use in connection with specified sexual activities if they are displayed and offered to others on the premises where a pharmacist licensed by the State of Illinois is employed to dispense prescription drugs, instruments or devices;
- (d) Breast-feeding an infant, unless performed or displayed for a commercial purpose other than education and training in the art, science or technique of breast-feeding an infant;
- (e) The display and offering to others of motion pictures, by any format, which have received a rating from the Motion Picture Association of America of G, PG, PG-13, R or NC-17, when offered or displayed substantially in their entirety;
- (f) Libraries and museums funded in whole or in part by federal, state or local governmental funds;
- (g) The display and offering to others of items which would otherwise qualify as a sexually oriented business pursuant to this Section, if and only if the display and offering are done for a commercial purpose, and all of the following apply to the business displaying and offering such items to others:
  - (i) Less than 20% of its gross income comes from the sale, rental or exhibition of the following types of items;
  - (ii) Items which are characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof;
  - (iii) Items which are advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, including without limitation, the use of the term “adult” and the use of the designation of one or more “X” such as, but not limited to, “XXX”;
  - (iv) Less than 20% of its display space is used for the sale, rental or exhibition of the items described in paragraph (1)(a) and (b) above;
  - (v) Less than 20% of the items it offers to others are the items described in subsection (1)(a) and (b) above; and
  - (vi) The items described subsection (1)(a) and (b) above are segregated from all other displays and retail areas of the premises by a solid partition from floor to ceiling with no openings or windows and with entrance and egress by means of a solid door posted with a sign not less than one foot by one foot with the words “UNDER 18 NOT ADMITTED” lettered on the sign, except that magazines characterized or distinguished by an emphasis on the depiction or

description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof may be displayed on racks or other display cases only if the magazine is encased or otherwise covered up and concealed from common view of anything other than the magazine title or text or other materials which would not be described as sexually oriented.

- (vii) Certain uses which fall within the definition of SEXUALLY ORIENTED BUSINESS may also constitute uses which are illegal under local, state or federal law, such as obscenity or child pornography. Even if such illegal uses constitute a SEXUALLY ORIENTED BUSINESS under the definition set forth in this Chapter, they shall not be permitted uses in any district.

**SHED.** A relatively small accessory structure or building primarily for storage purposes. It is not designed to be served by heat, electricity, or plumbing.

**SHOPPING CENTER.** A building or group of buildings that are planned and managed as a single commercial property.

**SIDE LOT LINE.** See Subsection 12-206 L of this Section.

**SIGHT TRIANGLE.** A triangular area, described by the edge of pavement lines of two intersecting streets and a line connecting said edge of pavement lines, in which the height of structures and landscaping regulation is limited to a maximum of two and one-half feet above grade in order to promote visibility at street intersections. Any leg of such triangle lying along any street in a residential district or any street forming part of an intersection that is not controlled by a traffic signal or a stop sign shall be a minimum of 45 feet in length.

**SIGN.** Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

**SIGN FACE.** A flat, two-dimensional surface, including the backing of a sign, which is measurable by a commonly recognized geometric figure containing a sign.

**SIGN, NONCONFORMING.** Any sign that fails to conform to the regulations of Section 9-106 of this Code.

**SIGN WALKER.** A person holding a handheld sign on private property.

**SIGN WITH BACKING.** Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

**SIGN WITHOUT BACKING.** Any sign other than a sign with backing.

**SINGLE FAMILY DETACHED DWELLING.** See Subsection 12-206 D of this Section.

SITE PLAN REVIEW. See Section 11-604 of this Code.

SMOKE. Small gas-borne particles other than water that form a visible plume in the air.

SPECIAL FLOOD HAZARD AREA (SFHA). Any base flood area subject to flooding from a river or tributary thereof, creek, intermittent stream, brook, ditch, or any other identified channel or ponding and shown on a Flood Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E. See also Subsection 12-206 F "Floodplain" of this Code.

SPECIAL PERMIT USE. See Section 11-602 of this Code.

SPECIFIED ANATOMICAL AREAS. The human genitals, pubic area, perineum, anus, anal cleft or cleavage, pubic hair, any portion of the areola of the female breast if less than a fully and opaquely covered; and the male genitals in a discernibly turgid state, even if entirely covered by an opaque covering. In determining whether any of the foregoing portions of the anatomy are fully and opaquely covered, coverage by make-up, paint, or similar matter applied directly to the skin, shall not be considered to be fully and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Any of the following, actual or simulated:

1. The fondling or other erotic touching regardless of whether the performer or recipient is clothed, in a state of nudity or in a state of semi-nudity;
2. The manipulation of the human body of another, including massage, by the use of any portion of manipulator's body, whether covered or uncovered, or by any device, if the person performing the manipulation or the person receiving the manipulation is in a state of nudity or semi-nudity.
3. Sex acts, normal or perverted, heterosexual, homosexual or bisexual;
4. Sex acts between animals when offered or displayed for the purpose or with the intent of causing the sexual arousal of a human viewer.

STABLE, PRIVATE. A detached accessory structure for the keeping of horses for the private, noncommercial use of the occupants of the premises on which such structure is located.

STANDARD FLOOD INSURANCE POLICY. The flood insurance policy issued by the Federal Insurance Administration, or an insurer pursuant to federal statutes and regulations.

STANDARD INDUSTRIAL CLASSIFICATION MANUAL (SIC). The 1987 edition of the publication prepared by the Office of Management and Budget, Executive Office of the President of the United States, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., as amended through the effective date of this Code.

STORY. That portion of a building, other than a cellar, included between the surface on any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and ceiling next above it. The floor of a story may split levels provided that there is not more than four feet difference in elevation between the different levels of the floor. A basement shall be counted as a story; a cellar shall not be counted as a story. Any area in which the distance from one floor to the floor or ceiling above it is more than 16 feet shall be deemed to consist of one story for each 16 feet of height or major fraction thereof.

**STORAGE.** The off-street parking of a vehicle for a continuous period of time longer than seventy-two hours.

**STREET.** The paved portion of a right-of-way, other than a driveway, that affords the principal means of vehicular access to abutting property.

**STREET LINE.** A lot line separating a street right-of-way from other land.

**STREET, PRIVATE.** Any street other than a public street.

**STREET, PUBLIC.** A street that has been dedicated to and accepted by, or otherwise acquired by, a government agency.

**STRUCTURAL ALTERATION.** Any change, other than incidental repairs, that would prolong the life of the supporting members of a structure such as bearing walls, columns, beams, girders, or foundations or that would alter the dimensions or configurations of the roof or exterior walls of a structure or that would increase either the gross or net floor area of a structure.

**STRUCTURE.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground, but not including paving or surfacing of the ground. Structure shall in all cases be deemed to refer to both structures and buildings. See Subsection 12-206 B of this Code.

**STRUCTURE, ACCESSORY.** See Section 9-101 of this Code.

**STRUCTURE, NONCONFORMING.** See Subsection 12-206 N of this Section.

**STRUCTURE, PRINCIPAL.** See Subsection 12-206 P of this Section.

**SUBDIVISION ORDINANCE.** The Oak Forest Subdivision Ordinance.

**SUBSTATION, ELECTRICAL.** A subsidiary station for the transmission of electrical current, consisting of transformers and other related safety and switching equipment that convert higher voltage electrical current received from incoming lines into lower voltage electrical current transmitted through other smaller lines.

**SURFACE AREA, ANTENNA.** An area determined by adding together the actual surface area of each solid element or part of an antenna or its support structure, where "solid" is defined to include all air spaces that are fully bounded by solid elements.

**TEMPORARY SIGN.** A sign that is professionally constructed of cloth, canvas, fabric, paper, or other light material, is intended to be displayed for a limited period of time and is neither installed permanently in the ground nor permanently affixed to a building, structure, wall, fence, or other permanent, temporary, or exempt sign.

**TEMPORARY USES.** A temporary use is a use that:

1. Is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and

2. Does not involve the construction or alteration of any permanent structure.

TERRACE. A level plane, surfaced patio, platform or structure serving a principal building at less than thirty inches above grade and not covered by any permanent structure.

TOWNHOUSE. See Subsection 12-206 D, "Dwelling, Townhouse."

TRANSITIONAL PARKING LOT OR GARAGE. A parking lot or garage accessory to a nonresidential use but located in a residential district pursuant to a special permit.

TWO FAMILY DWELLING. See Subsection 12-206 D, "Dwelling, Two Family."

UNDERDEVELOPMENT. Property not used to the fullest extent permitted by this Code.

USABLE OPEN SPACE. See Subsection 12-206 O of this Section.

USE. The purpose or activity for which a structure or land is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY. See Section 9-101 of this Code.

USE, CONDITIONAL. A use that appears as a conditional use in the "Use List" of a particular zoning district and is subject to additional standards set forth in this Code. Unless specifically provided otherwise in this Code, a Conditional Use shall be treated as a Permitted Use for purposes of this Code.

USE INTERPRETATION. An interpretation of the use lists established by this Code for the purpose of allowing a use not expressly mentioned in those lists to be established in a zoning district found to be appropriate for such use by application of the standards established in Subsection 11-501 E of this Code.

USE, LEGAL. Any use being made of any land, building or structure, other than a sign, on or after the effective date of this Code or any amendment thereof, that complies with all of the applicable regulations of this Code and any amendment thereof and was legally and validly instituted.

USE, NONCONFORMING. See Subsection 12-206 N of this Section.

USE, PERMITTED. A use that appears as a permitted use on the "Use List" list of a particular zoning district.

USE, PRINCIPAL. See Subsection 12-206 P of this Section.

USE, SPECIAL PERMIT. A use that appears as a special permit use on the "Use List" of a particular zoning district. See Subsection 11-602 of this Code.

USE, TEMPORARY. See Section 9-103 of this Code.

VARIATION. See Section 11-503 of this Code.

VEHICLE. Any device for carrying passengers, goods or equipment including, but not limited to, passenger automobiles, vans, trucks, buses, recreational vehicles, commercial vehicles and vehicles used for governmental purposes.

VEHICLE, COMMERCIAL. See Subsection 12-206 C of this Section.

VEHICLE, RECREATIONAL. See Subsection 12-206 R of this Section.

WALL SIGN. A building sign that is affixed directly to or otherwise inscribed on an exterior wall, including doors, of any building. Supports or braces from a wall sign to the roof shall not cause a wall sign to be considered to be a roof sign under this Section.

WAREHOUSE, AUTOMATED. See Subsection 12-206 A, "Automated Warehouse."

WATERCOURSE. See Section 8-204 of this Code.

WHOLESALE TRADE. A business engaged in the sale of commodities in quantity, usually for resale or business use chiefly to retailers, other businesses, industries and institutions rather than to the ultimate consumer.

WIDTH OF LOT. See Subsection 12-206 of this Section.

*WINDOW DISPLAY.* The display of actual merchandise, products, and goods sold, as well as the means or material necessary to display those items, including, without limitation, the following:

- i. Stands;
- ii. Mannequins;
- iii. Platforms;
- iv. Lighting; and

Backdrops, or a temporary structure that has been suspended from a ceiling, set on the ground, or otherwise supported and does not fully enclose a window area.

WINDOW SIGN. A building sign that is painted on or applied or attached to a window, or that is located within the interior of a structure and that is plainly visible and is erected, constructed or maintained for the primary purpose of being viewed from the exterior of that structure. A window display, as defined by this Section, shall not be considered to be a window sign.

YARD OR PIN SIGN. A temporary ground sign made of non-durable materials that is typically staked in the ground by metal or plastic supports.

ZONING BOARD. The Zoning Board of Appeals of the City.

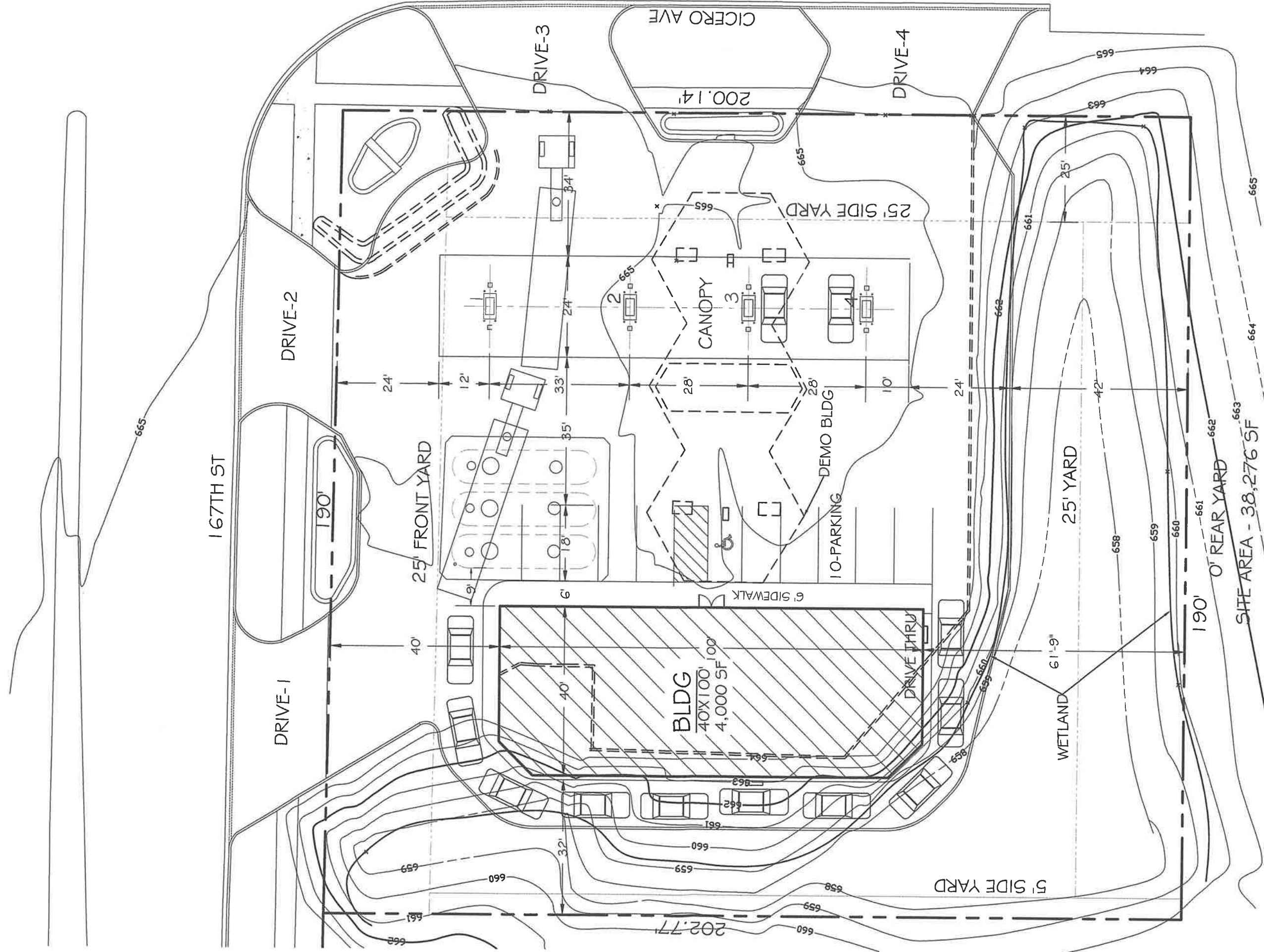
ZONING CLASSIFICATION. See Subsection 12-206 C of this Section.

ZONING CODE. The Oak Forest Zoning Code; that is, this Code. Unless the context specifically requires otherwise, all references to this Code shall be deemed to refer to any certificate, permit, approval, resolution or ordinance granted or adopted pursuant to this Code.

ZONING DISTRICT. A part of the corporate area of the City wherein regulations of this Zoning Code are uniform. See also Section 2-101 of this Code.

ZONING DISTRICT MAP OR ZONING MAP. See Section 2-103 of this Code.

ZONING ENFORCEMENT OFFICIAL. The Community Development Director.



SITE AREA - 38,276 SF

ERIKSSON ARCHITECTURE LLC NEW GAS STATION SITE PLAN-10  
 3816 LIZETTE LN, GLENVIEW, IL 60026 16700 CICERO AVE Scale: 1"=20'  
 erikssonarchitecture@comcast.net OAK FOREST, IL 10-20-2025  
 847-370-6550

