

## **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**

Except as noted below, the following uses, and no others, are permitted as of right in all Multiple Family Residential Districts in the City:

- A. Single family detached dwellings.
- B. Townhouse dwellings.
- C. Two-family dwellings.
- D. Multiple family dwellings.
- E. Selected service uses that are compatible with the residential character of each zoning district.
- F. Community residence. No such community residence shall be permitted unless it:
  - 1. Has no more than five residents,
  - 2. Is located at least 1,500 feet from any other community residence, and
  - 3. Is registered with the City Administrator.

### **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: HOME OCCUPATIONS**

Home occupations are permitted in all Multiple Family Residential Districts subject to the provisions of Section 9-102 of this Code.

#### **4-105: TEMPORARY USES**

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

#### **4-106: SPECIAL PERMIT USES**

Except as specifically limited in the following paragraphs, the following uses may be permitted in any Multiple Family Residential District subject to the issuance of a special permit as provided in Article XI of this Code and subject to the additional standards hereinafter set forth.

A. Senior Citizen Housing subject to the following additional standards:

1. 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.
2. Special Parking Requirements. Where conversion of a senior citizen housing dwelling to a dwelling allowed as a permitted use as aforesaid would require more off-street parking or loading than is required for the senior citizen housing, the development shall provide sufficient excess landscaped open space to accommodate such additional parking without violating any of the yard requirements applicable to the permitted use.
3. Community Need. No special 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.
4. 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.
5. 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.

6. 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 special permit 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 for a special permit.
7. Financial Stability. No special 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.
8. 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.

B. Nursing and Personal Care Facilities, subject to the following additional standards:

1. 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 shall 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.
2. 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.
3. Required Approvals. No special 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 special permit 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 for a special permit.

4. Financial Stability. No special 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.
- C. Planned Developments. Subject to the special procedures and standards set forth in Article 11 of this Code and subject to the additional standard that uses in planned developments in the R5 and R6 Districts shall be limited to the permitted, special, accessory and temporary uses as otherwise permitted in those districts; provided, however, that multiple family dwellings may be permitted in an R-6 planned development upon a showing that such use will not have a detrimental impact on existing or future development in any more restricted district.
- D. Child Day Care Services, subject to the following additional standards:
1. Required Approvals. No child day care service 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 service. Every application for a special permit for a child day care service shall set forth each agency that must approve the establishment or operation of the service 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 for a special permit.  
  
At the end of every six (6) month period following the effective date of a special permit for child day care services, the permittee shall submit to the City evidence of all required inspections by the State of Illinois or other entities with jurisdiction within the preceding six (6) month period.
  2. Structure Type. Every child day care service shall be located in a building of the type permitted or specially permitted in the district where the facility is located. The type of construction shall be in compliance with the City Building Code. No alteration of any dwelling unit that would prevent its use as a dwelling shall be permitted.

3. Supervision. Every child day care service shall 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 may establish minimum supervision requirements.
4. Outdoor Play Area. Unless waived by the City Council based on evidence of staggered usage by subgroups of all enrolled children, every child day care service shall provide at least 75 square feet of open space per child, exclusive of any open space located in a required front yard, which shall be completely enclosed by a fence or other suitable barrier sufficient to prevent access of children to neighboring properties or to traffic or other hazards. A fence or barrier previously erected by a neighboring property owner shall not be relied upon to satisfy this requirement unless a written agreement of such owner authorizing such use is filed with the City Administrator.
5. Recreational Devices. No recreational device shall be located within 20 feet of any abutting residential property.
6. Landscape Buffer. Trees, shrubs and bushes shall be planted and maintained along all property lines of abutting residential properties to create a visual barrier and to absorb and diffuse noise.
7. Financial Stability. No special permit for a child day care service 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.

E. Transitional Service Facilities for Up to Six Transitional Service Facility Residents, subject to the following additional standards:

1. District Location. Transitional service facilities shall not be permitted in the R6 District.
2. Supervision. Every transitional service facility shall provide qualified and experienced supervisory personnel in sufficient numbers and during sufficient and appropriate hours of the day and night, to meet all standards of any agency responsible for the licensing or regulation of the transitional service facility and such additional services as may be required by the City Council. The special permit shall 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.

3. Structure Type. Every transitional service facility shall be located in a dwelling of the type permitted in the district where the facility is located. The type of

construction shall be in compliance with the City Building Code. No alteration of any such dwelling that would prevent its use as a dwelling shall be permitted.

4. Availability of Facilities. Every transitional service 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 and cultural activities; consumer goods and services; and public transportation.
5. Required Approvals. No transitional service facility 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 special permit 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 for a special permit.
6. Financial Stability. No special permit for a transitional service 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 presentations of the application and the various standards applicable to such facility by reason of this Code and other laws and regulations.

F. Public Utility Stations and Electrical Substations, subject to the following additional standards:

1. Structure Appearance and Screening. All buildings and structures either shall have exteriors which give the appearance of a structure permitted in the district where located or shall comply with the buffer and landscape requirements applicable to nonresidential uses abutting a residential district pursuant to Subsection 9-107 of this Code.
2. Safety Fencing. All such uses shall be fenced where any hazard to the safety of human or animal life is present.
3. Service and Storage Prohibited. No service or storage yard or building shall be permitted except as permitted for other uses in the district.

G. Landbanking of Required Parking, subject to Subsection 9-104 E of this Code.

H. Community Residences, subject to the following additional standards:

1. Registration. All community residences shall be registered with the City Administrator.

2. Spacing. No special permit for a community residence shall be granted to a community residence that is less than 1,500 feet from any other community residence.

F. Institutional Uses, and their associated elementary and secondary schools, but in only the R5 District, and are subject to the following conditions:

1. Particular attention will be paid to the impacts of these uses on surrounding residential uses. Institutional Uses must comply with the buffering provisions of Section 9-107, the lighting provisions of Paragraph 9-101 D15, the sign regulations in Section 9-106, and the off-street parking and loading provisions of Sections 9-104 and 9-105.
2. No for-profit use can be located in a structure owned or occupied by a not-for-profit Institutional Uses. For the purposes of this section, "not-for-profit" shall mean any use operated by an organization that is entitled to exemption from income taxation under Section 501 of the Internal Revenue Code.
3. The total area of the Institutional Use subject property shall be no less than 1.7 acres/74,052 square feet with all property contiguous.
4. Any school must be under the same ownership and control as the Institutional Use and must be located on the same zoning lot as, or an adjacent zoning lot to, the Institutional Use.

I. Home Occupations that include one or both of the following:

1. The presence of more than four employees, clients or independent contractors at one time in the dwelling unit in which the home occupation is conducted; or
2. More than two vehicles visiting the site of a home occupation at any one time or more than eight vehicle visits to the site of the home occupation per day.

#### **4-107: 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.

#### **4-108: SIGN REGULATIONS**

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

#### **4-109: 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.

#### 4-110: BULK, SPACE AND YARD REQUIREMENTS

The building height, lot area yard, floor area, and dwelling unit size requirements applicable in the Multiple Family Residential Districts are set forth in the following table. Footnote references appear in Subsection 4-110 F at the end of the table.

|  | R5      | R6     |
|--|---------|--------|
| <b>A. <u>Maximum Height (whichever is less)(14)</u></b>                  |         |        |
| 1. Feet  | 35      | 35     |
| 2. Stories   | 3       | 3      |
| <b>B. <u>Minimum Lot Area and Dimensions (1)(6)(12)(13)</u></b>          |         |        |
| 1. Total Lot Area (square feet)  |         |        |
| a. Single Family Detached  | 7,500   | 7,500  |
| b. Townhouse   | 5 acres | 24,000 |
| c. Two-family  | 7,500   | 6,500  |
| d. Multiple Family   | 15,000  | 15,000 |
| e. Senior Housing  | 7,500   | 7,500  |
| f. Nursing or Personal Care Facility                                     | 7,500   | 7,500  |
| g. Planned Development   | 7,500   | 7,500  |
| h. Day Care Center   | 7,500   | 7,500  |
| i. Transitional Service Facility   | 7,500   | 7,500  |
| j. Public Utility Station  | 7,500   | 7,500  |
| 2. Gross Lot Area Per Dwelling Unit (square feet)                        |         |        |
| a. Single Family Detached  | 7,500   | 7,500  |
| b. Townhouse   | 3,000   | 3,000  |
| c. Two-family  | 3,750   | 3,250  |
| d. Multiple Family   | 3,500   | 3,500  |
| e. Senior Housing  | 2,000   | 1,750  |
| f. Nursing or Personal Care Facility                                     | 2,000   | 1,750  |
| g. Planned Development   | 2,000   | 1,750  |
| 3. Lot Width (feet) All Uses   | 50      | 50     |
| <b>C. <u>Minimum Yard &amp; Setbacks (5)(6)(7)(8)(9)(10)(11)(13)</u></b> |         |        |
| 1. Front and Corner Side Yard (feet)All Uses                             | 25      | 25     |
| 2. Side yards (feet) All Uses  | 5       | 5      |
| 3. Rear Yard (feet) All Uses   | 25      | 25     |
| <b>D. <u>Maximum Floor Area Ratio (2)(3)(4)</u></b>                      |         |        |
| All Uses   | .50     | .55    |
| <b>E. <u>Maximum Lot Coverage (percent of lot)</u></b>                   |         |        |
| 1. Single Family Detached  | 50      | 50     |
| 2. All Other Uses  | 50      | 50     |

F. Exceptions and Explanatory Notes

1. Nonconforming Lots. See Section 10-105 for lot requirements with respect to nonconforming lots of record.
2. Application of Requirements to Townhouse and Two-Family Dwellings. In the case of townhouse and two-family dwellings, the stated requirement shall be applied with respect to the entire dwelling and the zoning lot on which it is located and not to individual dwelling units within such dwelling.
3. Calculation of Nursing or Personal Care Facility Density. Every patient bed in a nursing or personal care facility, whether in a private, semi-private or dormitory room, shall be counted as one dwelling unit. In addition, any dwelling unit occupied or available for occupancy by staff of the nursing or personal care facility shall be counted as a dwelling unit.
4. Clustering in Planned Developments. In planned 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.
5. Lot Dimensions and Yards in Planned Developments.
  - (a) Authority to Waive. The Plan Commission may recommend and the City Council may authorize the waiver of the lot dimension and yard requirements of the underlying district when approving special permits for planned developments.
  - (b) Special Requirements; Limitation of Waiver Authority. Special perimeter open space, setback and spacing requirements for planned developments are set forth in Article XI of this Code. Such requirements shall not be waived under any circumstances.
  - (c) Standards for Waiver. No such waiver shall be recommended or authorized except in accordance with the provisions of Article XI of this Code.
6. Yard Requirements for Uses Without Structures. On any lot occupied without structures, the minimum yards that would otherwise be required for such lot shall be provided and maintained.
7. Visibility Across Corners. Any other provision of this Code to the contrary notwithstanding, nothing shall 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.

8. Special Setbacks for Signs. Special setbacks are established for some signs by Subsection 9-106 of this Code; those setbacks shall control over the yards and setbacks established in the table.
9. Specified Structures and Uses in Required Yards. The following structures and uses, except as limited below, may be located in any required yard.
  - (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 yards.
  - (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 yard. 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.
- 10. Front and Corner Side Yard Adjustment Next to Existing Structures. Where a lot abuts, on both sides, lots that have already been developed, the front yard applicable to such lot shall be determined by taking the average of the setbacks of the buildings on the two abutting lots; provided, however, that no such front or corner side yard shall be less than 25 feet. Where a lot abuts a lot that has already been developed on one side and a vacant lot or street on the other side, the front or corner side yard applicable to such lot shall be determined by taking the average of the setback of the building on the abutting developed lot and the required front yard in the zoning district; provided, however, that no such front or corner side yard shall be less than 25 feet.
- 11. Platted Building and Setback Lines. See Subsection 12-101 F of this Code.
- 12. Dwelling Unit Sizes in Senior Citizen Housing and Nursing and Personal Care Facilities. The minimum dwelling unit size for senior citizen housing dwelling units shall be 625 square feet. Nursing and personal care facilities shall provide 300 square feet of net floor area for each patient bed.
- 13. Lot Dimensions and Yards for Electrical Substations.
  - (a) Authority to Waive. The Plan Commission may recommend and the City Council may authorize the waiver of the lot dimension and yard requirements of the underlying district when approving special permits for electrical substations.
  - (b) Standards for Waiver. No such waiver shall be recommended or authorized except on the basis of need and impact on the surrounding properties.
- 14. 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.