



**CITY OF OAK FOREST
ZONING ORDINANCE**

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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 Ordinance 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. Single Family Residential Districts. (Article III)

- R1 Single Family Residential District
- R2 Single Family Residential District
- R3 Single Family Residential District
- R4 Single Family 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
- COD 159th Street Commercial Overlay 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 Sub-Area
- OLRD Overlay 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.
6. Overlay Districts shall not be considered in determining the restrictiveness of the underlying 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 Single Family 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.

F. Availability of Zoning Map.

A revised, up-to-date copy of the official Zoning Map, certified as to being inclusive of all amendments and drawn to a convenient scale, shall be published at least once annually and made available for sale at the City Hall.

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 Single Family 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. SINGLE FAMILY RESIDENTIAL DISTRICTS

3-101: PURPOSE

Four zoning districts are provided for single family residential development. Only service uses that are compatible with the single family 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 single family 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 single family 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 yard requirements.

The availability of special permits for planned developments in all single family 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 single family district the combination of uniform use regulations and varied bulk and yard 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

The following uses and no others are permitted as of right in all Single Family Residential Districts in the City:

- A. Single family detached dwellings.
- B. Community residences, provided, however, that 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.

3-103: ACCESSORY STRUCTURES AND USES

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

3-104: HOME OCCUPATIONS

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

3-105: TEMPORARY USES

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

3-106: SPECIAL PERMIT USES

Except as specifically limited in the following paragraphs, the following uses may be permitted in any Single Family Residential District subject to the issuance of a special permit as provided in Section 11-602 of this Code and subject to the additional standards hereinafter set forth:

- A. Planned Developments, subject to the special procedures and standards set forth in Article XI of this Code and to the following additional standard:
 1. Uses in R1 through R2 Districts. Uses in planned developments in the R1 through R2 Districts are limited to single family detached dwellings and the permitted, special, accessory and temporary uses as otherwise permitted in those districts.
 2. Uses in R3 and R4 Districts. Uses in planned developments in the R3 and R4 Districts may, in addition to the permitted, special, accessory and temporary uses allowed in these districts, include the permitted, special, accessory and temporary uses in the C1 and C2 Districts.
- B. Child Day Care Services, subject to the following additional standards:
 1. 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 special permit 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 for a special permit.

At the end of every six month period following the effective date of a special 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.

2. 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. No alteration of any dwelling unit that would prevent its future use as a single family dwelling will be permitted.
 3. 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 may establish minimum supervision requirements.
 4. 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 yard, 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.
 5. Recreational Devices. No recreational device can be located within 20 feet of any abutting residential property.
 6. Financial Stability. No special 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.
- C. Transitional Service Facilities for up to six transitional service facility residents subject to the following additional standards:
1. Required Approvals. No transitional service facility can 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 transitional service facility must set forth each agency that must approve the establishment or operation of the facility and must 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 for a special permit.

2. Structure Type. Every transitional service facility must be located in a single family dwelling of the type permitted in the district where the facility is located. The type of construction must be in compliance with the City building code. No alteration of any single family dwelling that would prevent its future use as a single family dwelling will be permitted.
3. Supervision. Every transitional service facility must 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 additional services as may be required by the City Council. The special permit will 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 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.
4. Availability of Facilities. Every transitional service facility must 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.
5. Financial Stability. No special permit for a transitional service facility 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 the facility by reason of this Code and other laws and regulations.

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

1. Structure Appearance & Screening. All buildings and structures must have exteriors that give the appearance of a structure permitted in the district where located or must comply with the buffer and landscape requirements applicable to non-residential uses abutting a residential district pursuant to Subsection 9-107 of this Code.
2. Safety Fencing. All public utility stations and electrical substation uses must 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 will be permitted except as permitted for other uses in the district.

- E. 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.
- F. Institutional uses, and their associated elementary and secondary schools, 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.

3-107: PARKING & LOADING REQUIREMENTS

The parking and loading requirements applicable in all Single Family 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.

3-108: SIGN REGULATIONS

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

3-109: BUFFERS & LANDSCAPING

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

3-110: BULK, SPACE AND YARD REQUIREMENTS

The building height, lot area, yard and dwelling size requirements applicable in the Single Family Residential Districts are as set forth in the following table. Footnote references appear in Subsection 3-110 F at the end of the table.

	R1	R2	R3	R4
A. <u>Maximum Height of Principal Structure (whichever is less (1)(2))</u>				
1. Feet	35	35	35	35
2. Stories	2.5	2.5	2.5	2.5
B. <u>Minimum Lot Area and Dimensions (3)(5)(6)</u>				
1. Total Lot Area (square feet)				
a. All Interior Lots	10,000	6,600	8,000	5,300
b. All Corner Lots	10,000	6,600	8,000	5,300
c. Planned Development	10,000	6,600	8,000	5,300
2. Lot Area Per Dwelling Unit (square feet)				
All Uses	10,000	6,600	8,000	5,300
3. <u>Lot Width</u> (feet)				
a. All Interior Lots	80	60	50	50
b. All Corner Lots	80	60	50	50
C. <u>Minimum Yard & Setbacks (5) (6) (7) (8) (9) (10)(11)(12)(13)</u>				
1. Front Yard (feet)				
All Uses	30	25	25	20
2. Side yards (feet)				
a. Corner Lots				
i. Corner side	30	25	15	15
ii. Interior side	8	6	5	5
b. Interior Lots				
i. Minimum per interior side yard	8	6	5	5
ii. Minimum total	20	16	12	12
3. Rear Yard (feet)				
All Uses	40	30	30	20
D. <u>Maximum Lot Coverage (percent of lot)</u>				
1. All Uses	50	50	50	50
E. <u>Maximum Building Coverage (percent of lot)</u>				
1. All Uses	45	35	35	35

F. 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. Height of Accessory Structures. No accessory structure will exceed fifteen (15) feet in height when located in any yard or setback required for any principal structure.

3. Nonconforming Lots. See Section 10-105 of this Code for lot requirements with respect to nonconforming lots of record.
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, and spacing requirements for planned developments are set forth in Article XI of this Code. These requirements will not be waived under any circumstances.
 - (c) Standards for Waiver. No waiver will be recommended or authorized except on the basis of the development's achieving the purposes for which planned developments may be approved pursuant to Article XI of this Code and satisfying the standards applicable to such developments as set forth in Article XI of this Code.
6. 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 waiver will be recommended or authorized except on the basis of need and impact on the surrounding properties.
7. Yard Requirements for Uses Without Structures. On any lot occupied by a use without structures, the minimum yards that would otherwise be required for such lot must be provided and maintained.
8. 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.

9. Special Setbacks for Signs. Special setbacks are established for some signs by Subsection 9-106 H of this Code; those setbacks control over the yard and setbacks established in the table.
10. 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 and ornamental light standards having a height of ten feet or less.
 - (c) Arbors and trellises but not in a required front yard.
 - (d) Awnings, canopies, eaves and gutters projecting not more than three feet from an exterior wall.
 - (e) Balconies projecting not more than three feet from an exterior wall for a distance of not more than 1/3 of the length of such wall; provided that the projections come entirely within planes drawn from the main corners of the building at an interior angle of 45 degrees with the wall in question.
 - (f) 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 these projections will (i) 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 (ii) be located only on the first story when in a required front yard.
 - (g) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices and the like projecting not more than two feet from an exterior wall.
 - (h) Outside stairways projecting from an exterior wall not more than three feet and having a height of four feet or less.
 - (i) Flagpoles.
 - (j) Non-mechanical laundry drying equipment, except in front yards.
 - (k) 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.
 - (l) Driveways, but only as expressly authorized and regulated in Section 9-104 of this Code.
 - (m) Terraces.
 - (n) Recreational devices, except in front yards.

- (o) Fences, walls, and hedges, subject to the limitations of Section 9-107 of this Code.
 - (p) No more than one (1) basketball backboard and related support structure per zoning lot may be located in a required yard. Basketball backboards and support structures in front yards shall only be installed adjacent to permitted driveways.
 - (q) Air conditioning equipment and back-up electrical generators, except in front yards, with screening from public views.
11. Front and Corner Side Yard Adjustment. If a lot in the single family residential districts is not subject to any platted building line or other private agreement, covenant, or relationship establishing a setback, yard or building line, or is subject to such a building line or other requirement that is less than the required front yard or corner side yard in the district, then the front yard or corner side yard, as the case may be, shall be determined as follows:
- (a) Interior Lots. For any interior lot, the front yard 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 yard 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 yard and corner side yard 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 yard and corner side yard, 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 yard or corner side yard is located, the front yard or corner side yard, 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 yards calculated under this Paragraph shall be subject to the following rules:
 - (i) When any lot used to calculate an average front yard or corner side yard 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 yard that is: (i) equal to or greater than the required front yard or corner side yard 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 yard or corner side yard in the district, then the required front yard or corner side yard, as the case may be, shall be used.

- (ii) When any lot used to calculate an average front yard or corner side yard 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 yard or corner side yard for the district, then the required front yard or corner side yard, as the case may be, shall be used; (ii) located outside the required front yard or corner side yard for the district, then the setback of the building shall be used.
- (iii) When any unimproved lot used to calculate an average front yard or corner side yard 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 yard or corner side yard for that district shall be used.
- (iv) When any building or structure on any lot used to calculate an average front yard or corner side yard has received a variation to allow for a front yard or corner side yard, as the case may be, that is less than the front yard or corner side yard required in the district, then the minimum required front yard or corner side yard, as the case may be, of the applicable district shall be used rather than the yard allowed pursuant to such variation.
- (v) In no event shall the average front yard or corner side yard established under this Paragraph be less than the applicable yard requirement for the district in which the lot is located.

- 12. Platted Building and Setback Lines. See Subsection 12-101 F of this Code.
- 13. Side and Rear Yard Regulations for Accessory Structures. Notwithstanding the otherwise applicable side and rear yard regulations established for principal structures and uses by the district regulations of this Code, detached accessory structures and uses located in whole or in part within the rear twenty percent (20%) of the lot shall not be required to maintain an interior side or rear yard in excess of five (5) feet; provided, however, that this special regulation shall not apply to residential recreational facilities and provided, further, that no accessory structure or use, or combination of such structures or uses, located in whole or in part within an otherwise required side or rear yard pursuant to this Paragraph shall occupy more than thirty percent (30%) of such required yard.
- 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.

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
A. <u>Maximum Height (whichever is less)(15)</u>		
1. Feet	35	35
2. Stories	3	3
B. <u>Minimum Lot Area and Dimensions (1) (6)(14)</u>		
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
C. <u>Minimum Yard & Setbacks (6) (7) (8) (9) (10)(11)(12)(14)</u>		
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

D. <u>Maximum Floor Area Ratio (2) (3)(4)</u>		
All Uses	.50	.55
E. <u>Maximum Lot Coverage (percent of lot)</u>		
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.

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. The COD is intended to preserve and assist the 159th Street Business Corridor revenue generating capacity. The overlay district provides the regulations necessary to encourage commercial development that contributes to the overall tax base of Oak Forest.

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 yard in the C1 District.
3. Signage. No business sign located in the C1 District shall be in direct view of any abutting residential lot.
4. Landscaping. The entire rear yard of any lot in the C1 District shall be treated as a required landscaped open space.

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.
2. Multi-Family Dwelling Units. Multi-Family attached dwelling units proposed as part of a mixed-use planned commercial development are permitted as a special use.

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 YARD REQUIREMENTS

The building height, yard and setback requirements applicable in the Commercial Districts are set forth in the following table. Footnote references appear in Section 5-109 D at the end of the table.

	C1	C2	C3
A. <u>Maximum Height (whichever is less)(10)</u>			
1. Feet	35	35	45
2. Stories	2	2	3
B. <u>Minimum Lot Area & Dimensions (1)(5)(9)</u>			
1. Total Lot Area (square feet)	6,250	8,500	6,250
2. Lot Width (feet)	50	60	50
C. <u>Minimum Setbacks (2)(3)(4)(5)(6)(7)(8)(9)</u>			
1. Front and Corner Side (feet)			
a. Yard	25	25	0
b. Setback	25	25	0
2. Interior Side (feet)			
a. Yard	0	5	0
b. Setback	0	5	0
3. Rear (feet)			
a. Yard	20	20	25
b. Setback	25	25	25

D. Exceptions and Explanatory Notes

1. Nonconforming Lots. See Subsection 10-105 for lot requirements with respect to nonconforming lots of record.
2. Yard Requirements for Uses Without Structures. On any lot occupied by a use without structures, the minimum yards that would otherwise be required for such lot shall be provided and maintained.
3. Visibility Across Corners. Any other provision of this Code to the contrary notwithstanding, in all Commercial Districts other than the C3 District, on any corner lot nothing shall be erected, placed, planted, allowed to grow or maintained 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.
4. 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.

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 requirements of the underlying district and the yard requirements of the underlying district for yards within the interior of the development 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 Subparagraphs 11-603 E2 (f) and (g) 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 Subsection 11-603 H of this Code.

6. Special Setbacks for Signs. Special setbacks are established for some signs by Subsections 9-106 H and 9-106 I of this Code; those setbacks shall control over the yards and setbacks established in the table.

7. 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 9-104 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.
8. Platted Building and Setback Lines. See Subsection 12-101 F of this Code.
9. Lot Dimensions and Yards for Electrical Substations.
- (a) Authority to Waive. The City Council may authorize the waiver of the lot dimension and yard requirements of the underlying district when approving site plans 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.
10. Height Exceptions. Structures housing religious organizations may extend to a height of 55 feet and may include spires and minarets that extend to a height of 70 feet.

5-110: 159TH STREET COMMERCIAL OVERLAY DISTRICT

- A. Purpose and Intent. The purpose and intent of the 159th Street Commercial Overlay District (“COD”) is enhance and build upon a core business area, to add to the support of the business and retail vitality of the City in a limited, specified, visible corridor within the City, to limit or eliminate obstacles to maximizing business location and operation within the corridor and in furtherance of the goal of business generation and preservation to create zoning regulations that specifically target, promote and maintain business opportunities, interests and development in the corridor and to preserve, consistent with the Comprehensive Plan, the COD by limiting the permitted and special uses allowed therein to commercial retail stores, commercial establishments, service establishments, professional offices and commercial/retail mixed uses that generate sales tax revenues, maintain the City’s property tax base and allow for convenient locations for the public to shop, obtain services and conduct business.
- B. Boundaries. The COD is generally located along 159th Street between Oak Park Avenue and Cicero Avenue, and is as depicted in the Appendix C map attached to this Zoning Ordinance.

[INSERT LEGAL DESCRIPTION]

- C. Standards. Where the standards for the COD differ from or are inconsistent with those of the base zoning standards, the COD standards shall control. Otherwise, the base zoning standards are applicable.
- D. Permitted Uses. The permitted uses in the COD shall be limited to commercial retail stores, commercial establishments, service establishments, and professional offices that generate sales tax revenues, promote and maintain the City's property tax base and provide for convenient locations for the public to shop, obtain services and conduct business. *[Insert column in Appendix A zoning table in Ordinance for Overlay district and list permitted uses]*.
- E. Prohibited Uses. All tax exempt uses listed and defined in NAICS Code 813 including, without limitation, not-for-profit, religious, professional, fraternal and civic organizations, are expressly prohibited in the COD.
- F. Base Zoning. *[Insert base zoning]*.
- G. Commercial Planned Unit Developments. Commercial Planned Unit Developments shall be permitted in the COD subject to the approval process provided for in §160.385 of the Zoning Code.

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 yard 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 & YARD REQUIREMENTS

The building height, lot, yard, and setback requirements applicable in the Office District are set forth in the following table. Footnote references appear in Section 6-109 D at the end of the table.

(See Table on next page)

	O1
A. <u>Maximum Height (whichever is less)</u>	
1. Feet	65
2. Stories	4
B. <u>Minimum Lot Area & Dimensions (9)</u>	
1. Total Lot Area (square feet)	20,000
2. Lot Width (feet)	50
C. <u>Minimum Setbacks (2)(3)(4)(5)(6)(7)(8)(9)</u>	
1. Front and Corner Side (feet)	
a. Yard	30
b. Setback	30
2. Interior Side (feet)	
a. Yard	5
b. Setback	5
3. Rear (feet)	
a. Yard	30
b. Setback	30

D. Exceptions and Explanatory Notes.

1. Nonconforming Lots. See Subsection 10-105 for lot requirements with respect to nonconforming lots of record.
2. Yard Requirements for Uses without Structures. On any lot occupied by a use without structures, the minimum front, side and rear yard requirements that would otherwise be required for such lot shall be provided and maintained.
3. Visibility Across Corners. Any other provision of this Code to the contrary notwithstanding, in all Office Districts, on any corner lot, nothing shall be erected, placed, planted, allowed to grow or be maintained 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.
4. Transitional Setbacks Abutting Residential Districts. Notwithstanding any other provisions of this Section, every portion of a building in an Office District that exceeds 35 feet in height shall be set back from the nearest residential property line a distance equal to at least 50 feet plus an additional five feet for every foot of height of such building, or the table requirement, whichever is greater.
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 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 Subparagraphs 11-603 E2 (f) and (g) of this Code and such requirements shall not under any circumstances be waived.
 - (c) Standards for Waiver. No such waiver shall be recommended or authorized except in accordance with the provisions of Subsection 11-603 H of this Code.
- 6. Special Setbacks for Signs. Special setbacks for some signs are established by Subsection 9-106 I of this Code; those setbacks shall control over the yards and setbacks established in the table.
- 7. 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 9-104 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.
- 8. Platted Building and Setback Lines. See Subsection 12-101 F of this Code.
- 9. Lot Dimensions and Yards for Electrical Substations
 - (a) Authority to Waive. The City Council may authorize the waiver of the lot dimension and yard requirements of the underlying district when approving special permits or site plans 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.
- 10. Height Exceptions. Structures housing religious organizations may extend to a height of 55 feet and may include spires and minarets that extend to a height of 70 feet.

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 Districts 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 YARD REQUIREMENTS

The building height, lot, yard and setback requirements applicable in the Industrial District are set forth in the following table. Footnote references appear in Subsection 7-109 D at the end of the table.

	II
A. <u>Maximum Height (whichever is less)(10)</u>	
1. Feet	50
2. Stories	3
B. <u>Minimum Lot Area & Dimensions (1)(5)(9)</u>	
1. Total Lot Area (square feet)	10,000
2. Lot Width (feet)	100
C. <u>Minimum Yard & Setbacks (2)(3)(4)(5)(6)(7)(8)(9)</u>	
1. Front and Corner Side (feet)	
a. Yard	10
b. Setback	10
2. Interior Side (feet)	
a. Yard	5
b. Setback	5
3. Rear (feet)	
a. Yard	20
b. Setback	20

D. Exceptions and Explanatory Notes

1. Nonconforming Lots. All such lots of record which have been subdivided prior to the effective date of this chapter shall provide a minimum lot area of 7,500 and minimum lot width of 60 feet. See Subsection 10-105 for additional lot requirements with respect to nonconforming lots of record.
2. Yard Requirements for Uses Without Structures. On any lot occupied by a use without structures, the minimum yards that would otherwise be required for such lot shall be provided and maintained.
3. Visibility Across Corners. Notwithstanding any other provision of this Code, nothing shall be erected, placed, planted, maintained or allowed to grow on any corner lot in an Industrial 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.
4. Transitional Setbacks Abutting Residential Districts. Notwithstanding any other provision of this Section, every building in any industrial district shall be set back at least 75 feet from every lot line adjacent to any residential district.
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 Subparagraphs 11-603 E2 (f) and (g) 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 Subsection 11-603 H of this Code.
6. Special Setbacks for Signs. Special setbacks are established for some signs by Subsections 9-106 J of this Code; those setbacks shall control over the yards and setbacks established in the table.
7. 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, but only as expressly authorized in Paragraphs 9-104 C 1 and 9-105 C 1 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.
8. Platted Building and Setback Lines. See Subsection 12-101 F of this Code.
9. Lot Dimensions and Yards for Electrical Substations
- (a) Authority to Waive. The City Council may authorize the waiver of the lot dimension and yard requirements of the underlying district when approving site plans 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.
10. Height Restrictions. When such zoning lot abuts a residential zoning district, the height shall not exceed thirty-five (35) feet.

ARTICLE VIII. SPECIAL DISTRICTS

PART I - GATEWAY REDEVELOPMENT SUB-AREA

8-101: PURPOSE

The regulations of the Gateway Redevelopment Sub-Area are intended to accommodate and promote redevelopment consistent with and in the vicinity of the Gateway Redevelopment, as adopted by the Corporate Authorities pursuant to Ordinance No. 2008-01-01470. Reference Appendix B for Sub-Area map.

- A. Special Character. To facilitate redevelopment activity consistent with the Gateway Redevelopment, promoting pedestrian scaled, mixed use redevelopment.
- B. Compatibility. To insure compatibility of redevelopment with the existing characteristics of the Gateway Redevelopment.
- C. Attractiveness. To protect and enhance the City's attractiveness to visitors and support and stimulate local business activity.
- D. Strong Economy. To strengthen the economy of the City.
- E. Promote Only Compatible Redevelopment. To promote the careful and considered redevelopment of areas within the vicinity of the Gateway Redevelopment.

8-102: PERMITTED USES

- A. 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..

Special Regulations Applicable to Outdoor Eating Areas.

1. City Council Approval. Outdoor eating areas shall not be permitted in the Gateway Redevelopment Sub-Area without approval of the City Council, by resolution duly adopted.
2. Alcoholic Beverage Service. Alcoholic beverages shall be served in outdoor eating areas only when such service is incidental and complementary to the sale and service to customers of complete meals that are served and eaten at tables, not at a bar or counter, in the outdoor eating area. "Meals," as used in this Subparagraph, shall mean a diversified selection of foods that are not susceptible to consumption in the absence of at least some articles of tableware and that cannot be conveniently consumed while standing or walking about. The service of pretzels, popcorn, candy, nuts, chips, and similar snack foods, without other food components, shall not be considered to be a "meal" under this Subparagraph.

3. Pedestrian Traffic. The location of all outdoor eating areas shall ensure the maintenance of adequate pedestrian circulation in and around the outdoor eating area.
4. Emergency Egress. Emergency egress gates shall be provided for all outdoor eating areas and shall be of a type and in locations approved in advance by the City Fire Chief.
5. General Health Standards. All outdoor eating areas 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.
6. Restaurant Service. Restaurant service for any outdoor eating area 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.
7. 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.
8. Minimum Setback Required. The location of any outdoor seating area shall comply with all applicable setback requirements for accessory uses and structures.
9. Additional Regulations. In addition to the specific regulations set forth in this Subsection, outdoor eating areas 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.”

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

- A. Relief From Parking Requirements Governing New and Enlarged Uses. The off-street parking requirements set forth in Subsection 9-104 B of this Code shall apply in the Gateway Redevelopment Sub-Area, except as specifically modified in this Section:
1. Special Parking Areas. Each of the following areas shall be deemed “Special Parking Area”:
 - (a) The Gateway Development located at the northwest corner bordered by 159th Street to the south, Cicero Avenue to the east, and the Rock Island railroad to the northwest.
 - (b) The south side of 159th Street bordered by Oak Avenue to the west and Cicero Avenue to the east extending southerly on Cicero Avenue until 160th Street.
 - (c) The north and south sides of 159th Street bordered by Laramie Avenue to the west and LeClaire Avenue to the east.
 - (D) The area bordered by Cicero Avenue to the east, Lamon Avenue to the west, 156th Street to the north and the Rock Island railroad to the south.

8-106: SIGN REGULATIONS

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

8-107: SPECIAL BULK, SPACE AND YARD REQUIREMENTS

The following special bulk, space, and yard requirements shall apply in the Gateway Redevelopment Sub-Area:

- A. Building Height. The maximum permitted building height shall be 35 feet or 2 stories; provided, however, that, subject to the issuance of a special permit, the maximum permitted building height shall be 45 feet or 3 stories, whichever is less.
- B. F.A.R.: Additional Special Permit Standard. The floor area ratio shall be increased from .50 to 1.0 and may, subject to the issuance of a special permit, be increased to an amount in excess of 1.0. In addition to those standards for special permits established in Subsection 11-602 E of this Code, no special permit to allow a structure with a floor area ratio greater than 1.0 shall be authorized unless the applicant shall establish that the proposed structure and uses thereof will have sufficient parking to support the proposed use.

- C. Special Yard Standards. There shall be no minimum front yard requirement for any property in the Gateway Redevelopment Sub-Area.

8-108: VARIATIONS

Whenever an application for a variation concerning property located within the Gateway Redevelopment Sub-Area is filed pursuant to this Code or the Subdivision and Development Code (2010), the authority to hear and decide the application otherwise delegated to the Planning and Zoning Commission pursuant to Section 11-503 of this Code 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 pursuant to Section 11-503 of this Code.

PART II - REDEVELOPMENT OVERLAY DISTRICT

8-201: PURPOSE

The Redevelopment Overlay District is intended to recognize that private investment undertaken to comply with the requirements of this Code may, in limited areas and circumstances existing in the City, be counterproductive to the City's long term land use goals and policies. Inappropriate investment in properties located in areas characterized by underdevelopment, obsolete development or development no longer in harmony with patterns emerging in the vicinity may simply delay the time when economic conditions would warrant total redevelopment of the area or may increase the ultimate cost of public programs designed to foster such redevelopment. It is the purpose of this overlay district to provide the City Council with discretion to temporarily modify, waive or vary standards of this Code when doing so will prevent such counterproductive private investment.

8-202: OVERLAY DISTRICT

The Redevelopment Overlay District appears on the Zoning Map as an "overlay district" imposed on top of other districts created by this Code and referred to in this Part as "Base Districts." Development of properties in the Redevelopment Overlay District must comply with all regulations of the base district in which they are located except to the extent that any such regulations are modified, waived or varied by a special permit granted in the overlay district. Where there is any conflict between the Redevelopment Overlay District and the base district, the provisions of the Redevelopment Overlay District shall control.

8-203: MAPPING RESTRICTIONS

The Redevelopment Overlay District shall not be mapped on the zoning district map except pursuant to application to amend said map filed by the City Council pursuant to Paragraph 11-601D(1) of this Code; provided, however, that notwithstanding the provisions of that Paragraph, no such application to map a Redevelopment Overlay District shall be filed unless accompanied by a written and graphic plan of redevelopment for the area proposed to be included in the Overlay District. Such a plan shall show the proposed final redevelopment as well as any intermediate stages or phases of redevelopment. Such a plan shall be attached to, incorporated into and approved as part of any ordinance granting approval of an application to map a Redevelopment Overlay District.

8-204: TIME LIMITATION

In addition to the plan of redevelopment requirements stated in Section 8-203 of this Part, the City Council, as a part of its application to amend the Zoning Map, also shall determine the period of time the proposed Redevelopment Overlay District shall be mapped, and shall establish a specific date upon which such mapping shall automatically expire. Such period of time shall be not less than three nor more than five years. Such period of time may be extended once by the City Council for an additional period of time not exceeding three years, but only pursuant to an application filed by the City Council pursuant to this Section and Section 8-203 of this Part and a showing in such application that such extension is necessary and appropriate in furtherance of the purposes stated in this Part.

8-205: NO VESTED RIGHT

Nothing in this Code nor in any ordinance granting zoning for, or a special permit pursuant to, a Redevelopment Overlay District shall be construed as creating any permanent right to obtain or retain such zoning or permit, and every expenditure in reliance upon such zoning or permit shall be made with full knowledge that the City reserves the unfettered right to grant, extend or repeal, or to refuse to grant, extend or repeal, any such zoning or permit at any time and that such zoning or permit is by its nature intended to be temporary and to create nothing more than a revocable permission to maintain a specified use, except to the extent provided in such an ordinance for zoning or a special permit. Every applicant for any permit pursuant to the provisions of this Part is charged with knowledge of this Section.

8-206: PERMITTED USES

The uses permitted in the base district shall be permitted in the Redevelopment Overlay District unless any one or more of those uses is prohibited as a condition of a special permit granted in the Overlay District.

8-207: ACCESSORY USES AND STRUCTURES

Accessory uses and structures permitted in the base district shall be permitted in the Redevelopment Overlay District unless any one or more of those uses is prohibited as a condition of a special permit granted in the Overlay District.

8-208: TEMPORARY USES

Temporary uses permitted in the base district shall be permitted in the Redevelopment Overlay District unless any one or more of those uses is prohibited as a condition of a special permit granted in the Overlay District.

8-209: SPECIAL PERMIT USES

A. Uses. Any use may be permitted in the Redevelopment Overlay District subject to the issuance of a special permit as provided in Section 11-602 of this Code; provided, however, that no such permit shall be recommended or granted except in accordance with the following standards and conditions:

1. Consistency with District Purposes and Plan. The relief granted by such permit shall be consistent with the purposes for which Redevelopment Overlay Districts may be established pursuant to Section 8-201 of this Part and with the Redevelopment Plan approved pursuant to Section 8-203 of this Part.
2. Limited Investment. The purpose of granting such permit shall be to allow a use that is intended to avoid the possibility of permanent investment in the subject property for uses, development or improvements found by the City Council to be inconsistent with the City's long term goals and policies for the area as shown in the Redevelopment Plan approved pursuant to Section 8-203 of this Part.
3. Temporary Nature. Any use, development or improvement authorized by such permit that does not comply with the final plan for redevelopment approved

pursuant to Section 8-203 of this Code shall be of a temporary nature or limited life in the sense that it could be discontinued or relocated at a cost that the applicant certifies to be negligible and not requiring any compensation in the event its termination or relocation becomes necessary in connection with a private or public program to redevelop the area.

4. Termination. Unless the special permit shall establish a specific date or event upon which the permit shall terminate or the use, development or improvement shall be brought into compliance with the regulations of the base district every special permit shall be conditioned upon the applicant's agreement to terminate the specially permitted use, development or improvement, and to surrender the special permit, upon not less than 12 months notice to do so given by the City Council.
 5. Other standards, Considerations and Conditions. Every use, development or improvement authorized by such a permit shall satisfy and comply with all of the standards, considerations and conditions made applicable to special permit uses pursuant to Subsections 11-602E and 11-602F of this Code; provided, however that the prohibition against conditions intended to allow uses of a temporary nature shall not apply in the Redevelopment Overlay District.
- B. Development Regulations. The Planning and Zoning Commission may recommend and the City Council may authorize the modification, waiver or variation of the parking and loading requirements; sign regulations; buffer and landscaping requirements; use limitations; and bulk, space and yard requirements applicable in the base district subject to the issuance of a special permit as provided in section 11-602 of this Code; provided, however, that no such modification, waiver or variation shall be so permitted except in accordance with the standards and conditions set forth in Subsection 8-209B of this Section.

8-210: PARKING AND LOADING REQUIREMENTS

The parking and loading requirements applicable in the base district shall apply in the Redevelopment Overlay District unless any one or more of those requirements is modified, waived or varied pursuant to Subsection 8-209 B of this Section.

8-211: SIGN REGULATIONS

The sign regulations applicable in the base district shall apply in the Redevelopment Overlay District unless any one or more of those regulations is modified, waived or varied pursuant to Subsection 8-209 B of this Section.

8-212: BUFFERS AND LANDSCAPING

The buffering and landscaping requirements applicable in the base district shall apply in the Redevelopment Overlay District unless any one or more of those requirements is modified, waived or varied pursuant to Subsection 8-209 B of this Section.

8-213: USE LIMITATIONS

The use limitations applicable in the base district shall apply in the Redevelopment Overlay District unless any one or more of those limitations is modified, waived or varied pursuant to Subsection 8-209 B of this Section.

8-214: BULK, SPACE AND YARD REQUIREMENTS

The bulk, space and yard requirements applicable in the base district shall apply in the Redevelopment Overlay District unless any one or more of those requirements is modified, waived or varied pursuant to Subsection 8-209 B of this Section.

PART III - OPEN SPACE DISTRICT

8-301: 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.

8-302: 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, including outdoor storage, are permitted in the Open Space District subject to the provisions of Section 9-101 of this Code.

8-304: TEMPORARY USES

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

8-305: 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.

8-306: SIGN REGULATIONS

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

8-307: 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.

8-308: BULK, SPACE AND YARD REQUIREMENTS

The building height, lot, yard and setback and floor area ratio requirements applicable in the Open Space District are set forth in the following table. Footnote references appear in Subsection 8-308 D at the end of the table.

(See Table on next page)

		OS
A. <u>Maximum Height (whichever is less)(1)(7)</u>		
1. Feet		45
2. Stories		3
B. <u>Minimum Lot Area & Dimensions (2)</u>		
1. Total Lot Area (square feet)		
a. Neighborhood Playgrounds		5,000
b. All Other Uses		40,000
2. Lot Width (feet)		
a. Neighborhood Playgrounds		NA
b. All Other Uses		200
C. <u>Minimum Yard & Setbacks (3)(4)(5)(6)(8)(9)</u>		
1. Front and Corner Side Yards and Setback		30
2. Other Yards and Setbacks		20
3. Setback from any Single Family Residential District		40

D. Exceptions and Explanatory Notes:

1. Increased Height in Areas Remote from Single Family 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 Single Family Residential District exceeds the setback required by Subparagraph 8-308 C3 of this Section.
2. Nonconforming Lots. See Subsection 10-105 for lot requirements with respect to nonconforming lots of record.
3. Yard Requirements for Uses Without Structures. Park, playground, and other recreational uses conducted on lots less than 30,000 square feet in area no yards or setbacks shall be required.
4. Visibility Across Corners. Any other provisions of this Code to the contrary notwithstanding, in the Open Space District, on any corner lot, nothing shall be erected, placed, planted, maintained, or allowed to grow above a height of 2 1/2 feet from grade within the area of a sight triangle as defined in Section 12-206 of this Code.
5. Special Setbacks for Signs. Special setbacks are established for some signs by Subsections 9-106 J of this Code; those setbacks shall control over the yards and setbacks established in the Table.
6. Special Yard and Setback Requirements for Recreational Devices. Except for recreational devices on lots less than 30,000 square feet in area for which no yards or setbacks shall be required, the front and corner side yard requirements for recreational devices shall be 20 feet. Recreational devices shall be setback a distance of 20 feet from all property lines.

7. 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.
 - (f) 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.
8. 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 9-104 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.
9. Platted Building and Setback Lines. See Subsection 12-101 F of this Code.
10. No Application to Existing Structures. This standard applies only to structures erected after the effective date of this Code; provided, however, that no structure existing on such effective date shall be expanded in violation of this standard.

PART IV - INSTITUTIONAL BUILDINGS DISTRICT

8-401: 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.

8-402: 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.

8-403: 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.

8-404: TEMPORARY USES

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

8-405: 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.

8-406: SIGN REGULATIONS

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

8-407: 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.

8-408: BULK, SPACE AND YARD REQUIREMENTS

The building height, lot, yard and setback and floor area ratio requirements applicable in the Institutional Buildings District are set forth in the following Table. Footnote references appear in Subsection 8-408 D at the end of the Table.

(See Table on next page)

	IB
A. <u>Maximum Height (whichever is less)(1)(2)(3)</u>	
1. Feet	45
2. Stories	3
B. <u>Minimum Lot Area & Dimensions (1)(4)(5)(11)</u>	
1. Total Lot Area (square feet)	
a. Libraries and Information Centers	85,000
b. Museums and Art Galleries	85,000
c. Other Public Buildings and Yards	85,000
d. Nursing and Personal Care Facilities	100,000
e. Membership Organizations	100,000
f. Elementary Schools	175,000
g. Hospitals	200,000
h. Secondary Schools	350,000
i. Colleges and Universities	500,000
j. Fire Protection Uses	75,000
k. All Others	85,000
2. Lot Width (feet)	
a. All Uses	300
C. <u>Minimum Yard and Setback Requirements (feet) (1)(6)(7)(8)(9)(11)</u>	
1. Front and Corner Side Yards and Setback	35
2. Other Yards and Setbacks	20
3. Setback from any Single Family Residential District	40

D. Exceptions and Explanatory Notes:

1. Exception for Residential Structures. When any residential structure is located in an Institutional Buildings District, it shall be subject to the bulk, space and yard regulations of the Residential District to which it is nearest adjacent.
2. Height Exceptions. Church spires and minarets may extend to a height of 70 feet. Publicly owned antennae and antennae support structures may extend to such height as the City Administrator may approve as necessary to carry out the public function in question. Light poles and fixtures in excess of the applicable maximum height requirement may be approved by a special permit issued pursuant to Section 11-602 of this Code.
3. Increased Height in Areas Remote from Single Family Districts. Maximum height may be increased one additional foot, up to a maximum of ten additional feet, for every five feet by which the setback of the portion of the building in question from the nearest Single Family Residential District exceeds the setback required by Subparagraph 8-408 C3 of this Section.
4. 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.

5. Nonconforming Lots. See Subsection 10-105 for lot requirements with respect to nonconforming lots of record.
6. Yard Requirements for Uses Without Structures. On any lot occupied by a use without structures, the minimum front, side and rear yard requirements that would otherwise be required for such lot shall be provided and maintained.
7. Visibility Across Corners. Any other provisions of this Code to the contrary notwithstanding, in the Institutional Buildings District, on any corner lot, nothing shall be erected, placed, planted, maintained or allowed to grow above a height of 2 1/2 feet from grade within the area of a sight triangle as defined in Section 12-206 of this Code.
8. Special Setbacks for Signs. Special setbacks are established for some signs by Subsections 9-106 J 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) Nonmechanical laundry drying equipment, except in front yards.

- (i) Off-street parking and loading of vehicles, but only as expressly authorized and regulated in Sections 9-104 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.
10. Platted Building and Setback Lines. See Subsection 12-101 F of this Code.
11. 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 surrounding properties.

ARTICLE IX. DISTRICT REGULATIONS OF GENERAL APPLICABILITY

PART I - ACCESSORY AND TEMPORARY STRUCTURES AND USES

9-102: 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. Definition. An accessory structure or use is a structure or use that:
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.
- C. Certificate of Zoning Compliance Required. When required by Subsection 11-401 C of this Code, a Certificate of Zoning Compliance evidencing the compliance of the accessory use or structure with the provisions of this Code shall be obtained before any such accessory use or structure is established or constructed.
- D. Special Regulations Applicable to Particular Accessory Structures and Uses.
1. Accessory Structures and Uses.
 - (a) 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.
 - (b) Any person desiring to construct and install an accessory structure proposed to cover at least twenty (20) percent of the required rear yard 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.
 - (c) In no circumstance shall an accessory structure be larger than the principal structure regardless of the permitted size in Subsection 9-101 D(2)
 - (d) Accessory buildings, structures, and uses shall not be erected or altered in required yards, courts, or other open areas, except those that are permitted in this zoning code as obstructions in yards, courts, or other open areas. The permitted accessory structures, and additional standards, are as follows:

- (i) Not to exceed more than one (1) story or fifteen (15) feet in height from the ground to the peak of the roof;
- (ii) Accessory buildings and structures shall be located not less than three (3) feet from a lot line of an adjoining lot;
- (iii) Only covered porches or decks shall be allowed in any required front yard, and these accessory structures can only encroach a maximum of 10 feet in the required front yard and in no event may be located nearer than 15 feet from the closest edge of any adjacent sidewalk to the front yard. In the event when no sidewalk exists, the structure may not be located closer than 20 feet from the closest edge of the curb on any adjacent street to the front yard;
- (iv) Patios constructed of concrete, asphalt, brick pavers, or any other impervious materials excluding driveways;
- (v) Hot tubs, or any other structures (no more than 120 square feet); and
- (vi) Attached accessory structures, seasonal rooms, covered porches or decks;
- (vii) In no circumstance shall any accessory structure be located in a drainage easement or public utility easement without permission from the utility company and
- (viii) One gazebo will be allowed and size regulated by 9-101D2(b).

2. 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 shall comply with the following floor area square footage limitations. Any second 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.

- (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.

3. 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, or any equipment appurtenant thereto, shall be located:
- (i) In any required front yard;
 - (ii) In any required corner side yard;
 - (iii) Less than six (6) feet from any property line if located in any required rear yard or required interior side yard; and
 - (iv) 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.

4. Accessory Parking Lots in Single Family Residential District. Except when approved as part of a special use permit, parking lots shall not be permitted as an accessory use in any single family residential district.
5. 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) Definitions.
 - (i) “Storage” shall mean the off-street parking of a vehicle for a continuous period of time longer than seventy-two hours.
 - (ii) “Recreation vehicle” shall mean campers, motor homes, off road motorcycles, 3 or 4 wheeled all terrain vehicles, snowmobiles, jet skis and other vehicles intended for recreational use.
 - (b) 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.
 - (c) 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 yard, or anywhere within an interior side yard of a lot.
 - (iii) Class III. Nowhere on the lot.
 - (d) 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.

- (e) 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.
- (f) 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.
- (g) 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.
6. 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.
7. Antenna With Surface Areas of Ten (10) Square Feet or Less. Antenna and antenna support structures having a combined surface area not greater then ten (10) square feet, and no single dimension exceeding twelve (12) feet, shall be permitted as an accessory use.
8. 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.

9. 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 yard or nearer than one-half the height of the antenna and support structure to any habitable building on any adjacent property.
10. 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

11. Uses Accessory to Uses in the Institutional Buildings District. Notwithstanding anything in this Code to the contrary, the following uses shall be deemed to be accessory to uses in the Institutional Buildings District:
 - (a) That are permitted uses in that district; or
 - (b) For which a special permit has been lawfully issued and is in full force and effect; provided that in every case, such uses shall be located entirely within the institutional building and with no principal exterior access:
 - (i) Eating places
 - (ii) Outdoor seating accessory to permitted eating places
 - (iii) Carryout eating places
 - (iv) Drinking places accessory to permitted eating places
 - (v) Florists
 - (vi) Tobacco stores and stands
 - (vii) News dealers and newsstands
12. Uses Accessory to Open Space Uses. Notwithstanding anything in this Code to the contrary, the following use shall be deemed to be accessory to uses in the Open Space uses:
 - (a) That are permitted uses in that district; or
 - (b) For which a special permit has been lawfully issued and is in full force and effect; provided that such uses shall be located entirely within the open space and with no principal exterior access:
 - (i) Eating places
 - (ii) Outdoor seating accessory to permitted eating places
 - (iii) Carryout eating places
 - (iv) Drinking places accessory to permitted eating places.
13. Accessory Day Care Centers in the Commercial, Office and Industrial Zoning Districts. Notwithstanding anything in this Code to the contrary, day care centers shall be considered permitted accessory uses in all Commercial, Office, and Industrial Districts subject to the following limitations:
 - (a) The accessory day care center shall be for the exclusive use of employees of the principal use. Day care operations serving those not employed on the premises shall be deemed a separate principal use, and so regulated in accordance with this Code.
 - (b) All requisite state and local licenses and permits regarding day care facilities shall be required for such operations.
 - (c) All regular day care activities, including any outdoor play areas, shall be located within the building setbacks for the district in which the principal use is located.

- (d) The persons or organization operating the accessory day care center need not be employed by the owners or operators of the principal use.
14. Accessory Day Care Centers in the IB Zoning District. Notwithstanding anything in this Code to the contrary, day care centers shall be considered permitted accessory uses in the IB, Institutional Building District subject to the following limitations:
- (a) No building additions shall be permitted for such accessory day care centers, except as authorized for the principal structure in the IB District.
 - (b) All requisite state and local licenses and permits regarding day care facilities shall be required for such operations.
 - (c) All regular day care activities, including any outdoor play areas, shall be located within the building setbacks for the IB District.
 - (d) The persons or organization operating such accessory day care center need not be employed by the owners or operators of the principal use.
15. Exterior Lighting. Any permitted accessory lighting fixtures shall be so designed, arranged and operated as to prevent direct rays of light from being cast onto any adjacent property or street and so as not to produce excessive sky-reflected glare. Except for street lights, no exterior light in or adjacent to any residential district shall be so designed, arranged or operated to produce an intensity of light exceeding one-half foot candle at any residential lot line.
16. Uses Subject to Special Restrictions. Where the District Regulations of this Code require compliance with any procedures or standards with respect to a specific use, such use shall not be established as an accessory use except in compliance with those procedures and standards.

E. Special Bulk, Yard and Space Regulations.

- 1. General Rule. 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, all bulk, yard and space requirements applicable in the district in which they are located.
- 2. Special Height Limitation.
 - (a) General. No accessory structure shall exceed fifteen (15) feet in height measured from grade when located in any yard or 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 D of this Section.

3. Special Side and Rear Yard Regulations for Residential Recreational Facilities. Notwithstanding the otherwise applicable side and rear yard regulations established for principal structures and uses by the district regulations of this Code.

F. 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.

9-102: HOME OCCUPATIONS

G. 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.

H. Definition. 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.

I. 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 routine attendance of patients, clients, subcontractors or employees associated with any home occupation shall be allowed at the premises of the home occupation except that attendance of up to six children, including family members, at any one time may be allowed at a day care nursery operated as a home occupation, and that attendance of up to two persons at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. "Routine attendance" means that the conduct of the home occupation required non-domiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency or duration of such visits.
- (e) 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.
- (f) No outdoor storage shall be allowed in connection with any home occupation.
- (g) No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
- (h) 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.
7. Licensing Requirements. Every home occupation shall be subject to applicable business licensing and inspection requirements.

9-103: TEMPORARY USES

- J. Authorization. Subject to the limitations of this Section 9-103, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified.
- K. Definition. 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.
- L. Certificate of Zoning Compliance Required; Special Standards for Issuance and Revocation.
 1. Certificate Required. Except as provided in Paragraphs DI 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.
- M. 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 yard 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 yard 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. 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, yard and space requirements applicable to accessory uses pursuant to Subsection 9-101 E of the Article.

9. 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.

10. 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.

11. 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.
 12. 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.
- N. Bulk, Yard and Space Regulations. Except as expressly provided otherwise in Subsection D above, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.
- O. 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.

6. Parking. Before approving any temporary use, the Community Development Director shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Community Development Director, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in questions.

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 1-B PARKING AND LOADING REQUIREMENTS

9-104: OFF-STREET PARKING

- P. Authorization. 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. Nothing herein shall be construed to limit the right of any person to provide off-street parking in excess of the requirements herein established but all such parking shall comply with the standards of this Section.
- Q. General Requirements.
1. Applicability to Existing, New and Expanded Uses.
 - (a) General Applicability. Except as provided otherwise in this Paragraph B1, the provisions of this Section shall apply to, and off-street parking spaces sufficient to satisfy the requirements of this Section shall be provided for, all existing and new uses, in accordance with the provisions of Articles X and XII of this Code.
 - (b) Change in Existing Use. Whenever a use existing on the effective date of this Code is changed thereafter to a new use, parking facilities shall be provided as required herein for such new use; provided, however, that when any such new use is required to have no more than the same number of parking spaces required of such existing use, then such new use may be established with a deficiency in required parking spaces equal in number to not more than the number of spaces such existing use was deficient on the effective date of this Code.
 - (c) Increase in Use Intensity. Whenever the intensity of use of any structure or use is increased through the addition of dwelling units, floor area, seating capacity or other units of measurement specified herein for required parking spaces, parking spaces as required herein shall be provided for such increase in intensity of use.
 - (d) Exception for Nonconforming Locations and Design. Nothing in this Paragraph B1 shall be construed to prohibit the continued utilization of any parking space as an accessory use to any structure or use for parking of a vehicle that may lawfully be parked in such space solely because such space does not satisfy the locational or design requirements of this Code, or any amendment to it, if such space was legally in use as an accessory use to such structure or use on the effective date of this Code or such amendment.
 2. Location of Required Parking Spaces.
 - (a) General Rule. Except as provided in Subparagraphs 2(b) through 2(d) below, parking spaces required by this Section shall be located on the same zoning lot as the use to which they are accessory.

- (b) Parking for Townhouse, Two Family, and Multiple Family Dwellings. Not more than four (4) parking spaces located in a garage, driveway or other area reserved for exclusive use of the residents of an individual dwelling unit shall be counted toward the 4.5 spaces required pursuant to Subparagraph 9-104 F1(a)(5) below. At least one-half (1/2) space required for each dwelling unit shall be located in an area or areas available for use in common by at least three (3) such individual units. Such areas may include parking spaces located in parking areas or lots within the development in which such units are located, whether located on or off the lot on which such units are located; provided, however, that no such required space shall be located farther than 300 feet, measured along a paved established pedestrian circulation route, from the unit it is required to serve.
- (c) Deficiency Spaces. When proposed to provide spaces to eliminate a parking deficiency existing on the effective date of this Code or when required to provide spaces required pursuant to Subparagraph 9-104 B1(b) or Subparagraph 9-104 B1(c) above, parking spaces required by this Section may be located at any location within an adjacent district in which the principal use in question is a permitted use or within the same zoning district as, and within 300 feet of, the zoning lot on which the use to be served is located, but only when such remote site is covenanted to remain so for so long as said parking spaces are required to meet the standards of this Code.

R. 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 areas shall comply with the yard requirements applicable in the district in which they are located except that parking areas in Single Family Residential Districts may be located in any required yard. 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 yard; provided, however, that the surface area of any such driveway giving access from a parking lot or area through any such yard

shall not exceed thirty percent (30%) of the area of such yard. 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) Slope. No area of any parking lot or garage excluding access ramps, shall have a slope in excess of five percent (5%). No ramp shall have a slope in excess of either percent (8%).
- (d) 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.
- (e) 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.
- (f) 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.
- (g) Circulation Aisles. Each parking space shall be accessed by a circulation aisle of a width, in feet, as specified below:

<u>Parking Angle</u>	<u>One-Way Aisle Width</u>	<u>Two-Way Aisle Width</u>
Parallel	14	24
45°	14	24
60°	16	24
75°	20	24
90°	24	24

- (h) 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.
- (i) Space Dimensions. Each off-street parking space, excluding its associated circulation aisle, shall have the following minimum dimensions, in feet:

I1 and O1 Zoning Districts: Parking Dimensions (in feet).

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>	<u>Stall Height</u>
Parallel	9	23	8
30°	8.5	18	8
45°	8.5	18	8
45°	8.5	18	8
60°	8.5	18	8
90°	8.5	18	8

All Zoning Districts except I1 and O1: Parking Dimensions (in feet).

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>	<u>Stall Height</u>
Parallel	9	23	8
30°	9	20	8
45°	9	20	8
60°	9	20	8
90°	9	20	8

In all zoning districts, except I1 and O1, the above-stated stall length dimensions for non-parallel stalls on the perimeter of a parking lot may be reduced to include only eighteen and one-half (18.5) feet of parking surface plus one and one-half (1 ½) feet of overhang into abutting landscaped areas; provided that such reduction does not reduce the size of any required yard below the requirements in the applicable district.

In all zoning districts, the above-stated stall width dimensions shall be increased to twelve (12) feet or to the width required by state law, whichever is greater, for required handicapped parking spaces.

- (j) Landbanking To Reduce Long-Term Parking Space Dimensions. Except for parallel parking spaces, the above-stated stall dimensions may be reduced, in order to increase the amount of landscaped open space, to 18.5 feet in length and 8.5 feet in width in parking lots and structures accessory to institutional, office and manufacturing uses pursuant to a special permit granted in accordance with the procedures of Subsection E below, and where the City Council finds that the typical parking space in such lot or structure will be occupied by no more than one (1) or two (2) different vehicles during the course of the business day.
- (k) 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.

S. 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.

T. Landbanking of Required Parking.

- 1. Landbanking Authorized. Notwithstanding any other provision of this Section, the City Council may, by special permit granted pursuant to Section 11-602 of this Code, reduce the total number of off-street parking spaces required to be paved pursuant to Subsection F of this Section or the stall length and width dimension required pursuant to Subparagraph 9-103C3(i) above, subject to acceptance by the property owner of the conditions set forth in Paragraphs E2 through E4 below; provided, however, that no such special permit shall allow landbanking of more than 50 percent (50%) of the parking spaces required to be provided accessory to any senior citizen housing development.
- 2. Termination of Landbanking. The City Council shall have the right, in its sole and absolute discretion, to require the property owner or his or her successor, at any time, to increase the stall length and width to the dimension required by Subparagraph 9-104 C3(i) above or to increase the number of parking spaces provided to serve said development up to the maximum required by Subsection F of this Section for the property in question as if no special permit for landbanking had been granted.
- 3. Alternate Plans Required. Every application for a special use permit to allow landbanking of required parking spaces shall be accompanied by alternate detailed parking plans. One plan shall show the full stall length and width required by

Subparagraph 9-104 C3(i) above and the full number of parking spaces required pursuant to Subsection F of this Section; the other plan shall show the reduced stall length and width or the reduce number of parking spaces, or both, as the case may be, proposed to be provided pursuant to the special permit being sought and shall also show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for:

- (a) Wheel stops,
- (b) Markings,
- (c) Curbing,
- (d) Surfacing,
- (e) Screening and landscaping,
- (f) Lighting,
- (g) Signing, and
- (h) Access.

The design plans for such parking areas shall be subject to the approval of the City Council.

- 4. Open Space Covenant. As a condition of granting such special permit, the applicant shall file with the Community Development Director his unconditional agreement and covenant in form and substance satisfactory to the City Attorney that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking pursuant to such special permit. The Ordinance granting such permit, together with such agreement and covenant, shall be recorded with the Recorder of Deeds of Cook County, Illinois.

U. Required Spaces.

- 1. Specified Uses. For the following uses, the following minimum number of off-street parking spaces shall be provided:

OFF-STREET PARKING REQUIREMENTS BY LAND USE

<u>USE</u>	<u>REQUIRED PARKING SPACES</u>
a) <u>Residential</u>	
(1) Single Family Detached Dwellings	2 per dwelling unit
(2) Senior Housing	1 per dwelling unit, PLUS 1 per 2 employees

(3) Multiple Family	2.5 per dwelling unit
(4) All Other Dwellings	4.5 per dwelling unit
<u>b) Retail Space</u>	
(1) All Uses, except Gasoline Service Stations and Eating and drinking Places	1 per 250 square feet of net floor area
(2) Gasoline Service Stations	3 per service bay, PLUS 1 per employee
(3) Eating and Drinking Places	1 per 2 employees, PLUS 1 per 3 persons of design capacity
<u>c) Finance, Insurance and Real Estate</u>	
All Uses	1 per 250 square feet of net floor area
<u>d) Business and Professional Offices</u>	
(1) All Uses except as otherwise listed in this Subsection	1 per 250 square feet of net floor area
(2) Testing Laboratories	1 per 500 square feet of net floor area
<u>e) Services</u>	
(1) All Services except as specifically listed below	1 per 250 square feet of net floor area
(2) Hotels and other Lodging Places	1 per lodging room PLUS 1 per 200 square feet of net floor area devoted to affiliated meeting, lobby, recreational and administrative uses, PLUS parking for affiliated eating and drinking places as herein specified.
(3) Motion Picture Theaters	1 per 3 persons of design capacity
(4) Bowling and Billiard Establishments	5 per lane PLUS 2 per table
(5) Physical Fitness Facilities	1 per 3 persons of design capacity
(6) Membership Sport & Recreation Clubs	1 per 3 persons of design capacity
(7) Health Service Offices	1 per 200 square feet of net floor area
(8) Nursing and Personal Care Facilities	1 per 3 beds PLUS 1 for each licensed practitioner, not including nurses and assistants PLUS 1 for each additional 2 employees.
(9) Hospitals	1 per bed PLUS 1 for each licensed practitioner, not including nurses and assistants, PLUS 1 for each additional 2 employees
(10) Elementary Schools	1 per 2 employees
(11) Secondary Schools	1 per 5 students OR 1 for each 3 persons of auditorium design capacity, which ever is greater, PLUS 1 for each employee
(12) Libraries and Information Centers	1 per 500 square feet of public area PLUS 1 per 3 persons of auditorium design capacity

(13) Vocational and Correspondence Schools	1 per 200 square feet of net floor area
(14) Day Care Services	1 per employee PLUS 1 for each 10 children or non-employee adults
(16) Public Parks	None for the first acre; PLUS 5 for all additional area up to 5 acres; PLUS 5 for each acre in excess of 5 acres; PLUS one for each 5 persons of design capacity of any structure or facility located in the park
(17) Golf Courses, including all related facilities	80 for each nine holes
(18) Membership Organizations	1 per 250 square feet of net floor area OR 1 for each 4 persons or auditorium design capacity, whichever is greater
<u>f) Public Administration</u>	
All Uses	1 for each 250 square feet or net floor area OR 1 for each 3 persons of design capacity, whichever is greater
<u>g) Construction, Manufacturing, Transportation and Public Utilities</u>	
(1) Production and Assembly	1 per 600 square feet of floor area
(2) Warehouse Storage	1 per 900 square feet of floor area
(3) Office and Other Activities	1 per 250 Square feet of floor area
(4) Automated Warehouse	1 per 900 square feet of floor area
<u>h) Uses Conducted Outside Structures</u>	
All uses except as otherwise specifically listed	1 space per 1,500 square feet of outdoor area devoted to such use PLUS spaces as above required for any aspect of the use conducted within a structure

2. Unspecified Uses. When the ultimate use of a structure is not known, the maximum number of spaces that might be required for any use to which the structure might reasonably be devoted shall be provided.
3. Computation of Required Spaces,
 - (a) Fractional Spaces. When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction shall require one (1) additional parking space.
 - (b) Capacity Calculations. When parking spaces are required on the basis of capacity, capacity shall be determined based on the occupancy standards established by the Building Code.
 - (c) Bench Seating. In stadiums, auditoriums, houses of worship and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of such seating facility shall

be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities under this Code.

- (d) Population Calculations. When parking spaces are required on the basis of the number of employees, customers, students or similar measure, the maximum number for which the structure is designed shall govern except that when the structure has no design capacity, the maximum number present at any one time shall govern.

V. Reduction of Required Number of Parking Spaces for Automated Warehouse.

1. Reduction Authorized. Notwithstanding any other provision of this Section, the City Council may, by special permit granted pursuant to Section 11-602 of this Code, reduce the total number of off-street parking spaces required pursuant to Subsection F of this Section for Automated Warehouses to one (1) parking space for each 2,500 square feet of gross floor area subject to acceptance by the property owner of the conditions set forth in Paragraphs G2 through G4 below.
2. Alternate Plans Required. Every application for a special use permit to allow reduction of required parking spaces for Automated Warehouses shall be accompanied by alternate detailed parking plans. One plan shall show the number of parking spaces required pursuant to Subsection F of this Section; the other plan shall show the reduced number of parking spaces proposed to be provided pursuant to the special permit being sought and shall also show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for:
 - (a) Wheel stops,
 - (b) Markings,
 - (c) Curbing,
 - (d) Surfacing,
 - (e) Screening and landscaping,
 - (f) Lighting,
 - (g) Signing, and
 - (h) Access.

The design plans for such parking areas shall be subject to the approval of the City Council.

3. Covenant. As a condition of granting such special permit, the applicant shall file with the Community Development Director his unconditional agreement and covenant in form and substance satisfactory to the City Attorney that should the

property ever cease to be used as an Automated Warehouse, additional off-street parking spaces will be provided in accordance with the then applicable off-street parking requirements for such use to which the property is converted. The Ordinance granting such permit, together with such agreement and covenant, shall be recorded with the Recorder of Deeds of Cook County, Illinois.

H. OFFSTREET PARKING

1. Provision. Any project application requiring administrative review, site plan review or public hearing shall provide automobile parking and bicycle parking in off-street facilities following the minimum parking standards below.
2. Minimum Parking Requirements. Off street parking shall be regulated, as follows:

USE	MINIMUM AUTOMOBILE PARKING REQUIREMENT REFERENCE SECTION 9-104 F	MINIMUM BICYCLE PARKING REQUIREMENT
Office		1 space for every 10 employees
Retail		10% of required automobile parking spaces
Restaurant		10% of required automobile parking spaces
Civic		1 space for every 10 employees
Lodging		1 space for every 10 employees
Residential		1 per dwelling unit, single family residences excluded from requirements

For any facility use not specified above and not specifically excluded, the requirement for bicycle parking spaces shall be equal to 10% of required automobile parking spaces. In all situations there shall be a minimum of two bicycle parking spaces regardless of the requirements specified above.

3. Bicycle Parking Space Design.
 - (a) Residential. Every residential facility shall provide the required minimum number of bicycle parking spaces in a sheltered environment. A space shall be considered sheltered if there is top-side protection from weather. Bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area or may be located in front of the building along the street or near the rear access to the building. In those instances in which the building has no parking structure or other easily accessible storage unit, the bicycle parking spaces may also be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover. All bicycle parking spaces must be in an area that is accessible to all residents at all times.
 - (b) Retail and Restaurant. Individual commercial uses may provide their own parking or spaces may be clustered to serve up to six bicycles. Bicycle

parking spaces should be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions or may be located to the rear of the building if an automobile parking lot is adjacent. Bicycle parking for a single location must be within 50 feet of the building entrance where possible. Clusters of bicycle parking that serve multiple destinations may be located up to 100 feet away from entrances.

- (c) Office and Civic. Bicycle parking spaces shall be located in a sheltered environment. A space shall be considered sheltered if there is top-side protection from weather. Bicycle parking spaces may be located within a garage (if located in the facility in question), loading dock, indoor space, or may be located in front of the building along the street or near the rear access to the building. In those instances in which the building has no parking structure or other easily accessible storage unit, the bicycle parking spaces may also be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover. All bicycle parking spaces must be in an area that is accessible to all facility users during regular business hours which shall include at minimum the hours of nine o'clock in the morning to five o'clock in the afternoon of each weekday excluding federal holidays. Bicycle parking spaces may be located in an area requiring special security access such as a key, keycard or other access device if such access can be accomplished by the user during the specified hours. Users of bicycle parking spaces shall be granted access to the nearest entrances, exits, stairwells and elevators to the bicycle parking spaces.
- (d) Coordination with Pedestrian Needs. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 48 inches between bicycles and other existing and potential obstructions.

4. 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 requested is for 50% or less of the total required parking for the site to meet bicycle parking requirements;
- (b) The waiver is not for residential parking requirements. Residential parking requirements cannot be waived;
- (c) 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;
- (d) Bicycle parking with adequate capacity to accommodate all or a portion of the number of required spaces exists within 100 feet;
- (e) 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 single family 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.
- B. General Requirements.
1. Applicability to Existing, New and Expanded Uses.
 - (a) General Applicability. Except as provided otherwise in this Paragraph B1, the provisions of this Section shall apply to and off-street loading spaces sufficient to satisfy the requirements of this Section shall be provided for all existing and new uses in accordance with the provisions of Articles X and XII of this Code.
 - (b) Change in Existing Use. Whenever a use existing on the effective date of this Code is changed thereafter to a new use, loading facilities shall be provided as required herein for such new use; provided, however, that when any such new use is required to have no more than the same number of loading spaces required of such existing use, then such new use may be established with a deficiency in required loading spaces equal in number to not more than the number of spaces such existing use was deficient on the effective date of this Code.
 - (c) Increase in Use Intensity. Whenever the intensity of use of any structure or use is increased through the addition of dwelling units, floor area, seating capacity or other units of measurement specified herein for required loading spaces, loading spaces as required herein shall be provided for such increase in intensity of use.
 - (d) Exception Notwithstanding the foregoing provisions of this Paragraph B1, no building or use lawfully existing on the effective date of this Code, or any amendment of it establishing loading requirements with respect to such structure or use, shall be required to provide any additional loading spaces pursuant to this Paragraph B1 unless and until the aggregate increase in units of measurement shall equal the full number of units for which one additional loading space would be required pursuant to Subsection 9-104 D of this Section, in which event loading spaces as required herein shall be provided for the total aggregate increase.

2. Location of Required Loading Spaces. Loading spaces shall be located on the same zoning lot as the use they serve.

C. 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 yard requirements applicable to principal uses in the district which they are located except that open loading spaces may be located in a required rear yard. 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.

(e) Space Dimensions. Each loading space, excluding required maneuvering areas, shall have the following minimum dimensions, in feet:

Standard 10W x 25L x 14H
Tractor-trailer 12W x 50L x 15H

D. Required Spaces.

1. General Requirement. Loading spaces or receiving areas shall be provided in sufficient number, of sufficient size and so located that no loading and unloading operations infringe upon any street or sidewalk.
2. Minimum Requirements. For the following uses, the following minimum number of loading spaces shall be provided:

<u>USE</u>	<u>REQUIRED SPACES</u>
Hotels	1 for 10,000 to 150,000 square feet of gross floor area PLUS 1 for each additional 200,000 square feet of floor area or fraction thereof
Multiple Family Dwellings	1 for each building having in excess of 20,000 feet of floor area
Other Uses	1 for the first 150,000 square feet of gross floor area or fraction thereof PLUS 1 for each additional 200,000 square feet of gross floor area or fraction thereof

The first space required for any building having in excess of 10,000 square feet shall be sized to accommodate a tractor-trailer and, unless otherwise required by the Community Development Director, all other spaces may be standard size. The decision of the Director shall be based upon the anticipated needs of each particular building.

PART 1-C SIGN REGULATIONS

9-106 SIGNAGE

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

1. *Short title.* The provisions of this Subchapter shall hereafter be known and cited as the “Sign Ordinance of the City of Oak Forest,” but is referred to internally as “Subchapter.”
2. *Findings of fact.* The provisions of this Subchapter 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 the signage regulations are 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 signage 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 signage and constitutional protection;
 - (d) The city’s signage 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 signage 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 Subchapter;
 - (f) Excessive signage, particularly when clustered in close proximity, can be classified as visual pollution and in extreme cases, can serve as a distraction to pedestrians, motorists and others and require stringent regulation and oversight as provide for by these provisions;
 - (g) The existence of nonconforming signage 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 division (2) above, the purpose and intent of this Subchapter is to establish reasonable regulations for the design, construction, installation and maintenance of all exterior 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 the 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 signage, 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 Subchapter.
- (b) Any sign not expressly permitted by the regulations of this Subchapter 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 the Single-Family Residential Districts.

(Ord. 2006-11-0068O, passed 11-28-2006)

B. INTERPRETATIONS AND DEFINITIONS.

1. *Interpretation*

- (a) Where there is a conflict between the provisions of this Subchapter and provisions of other ordinances, codes and/or regulations of the city, the provisions specified by this Subchapter shall prevail.
- (b) Should a conflict be identified between any specific provisions of this Subchapter, the more restrictive provision shall prevail.

2. *Sign classifications.*

- (a) For purposes of this Subchapter, each sign shall be classified both according to function and structure, as follows.

3. *Functional sign types.*

- (a) *Attention getting devices.* Streamers, posters, ribbons, lights bulbs, light bands, spinners and attention-getting devices that move, blinking, electronic and/or flashing signs, except time, temperature and date 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.
- (b) *Banner sign.* A sign consisting of cloth, canvas, fabric, paper or other light material that is secured or mounted so as to permit movement of the material, but not an official flag or emblem.
- (c) *Civic event sign.* A sign that announces or identifies a civic use, purpose, event or program.
- (d) *Construction sign.* A sign that announces the subdivision, development, construction or other improvement of a lot and located on that lot during the subdivision, development, construction or improvement.
- (e) *Development map or directory sign.* A sign that depicts some or all of the buildings and other prominent features of, or that lists, by address or other summary means, some or all of the locations within a multi-building development containing, and limited to, information to assist persons coming on the lot to locate destinations within the lot.
- (f) *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.
- (g) *Holiday decorations.* Signs that are in the nature of decorations, clearly incidental to, and customarily and commonly associated with, any national, local or religious holiday.
- (h) *Home occupation sign.* A sign that identifies a home occupation.

- (i) *Identification sign.* A sign that is limited in content to the name, trademark or other readily recognized symbol or address, or any combination thereof, of a building or development that advertises the name of a business, profession or service being conducted on the lot on which the sign is located.
- (j) *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.
- (k) *Joint-identification sign.* A sign that serves as a common or collective identification sign for two or more business, professional or service uses on the same lot.
- (l) *Lawn service sign.* A sign that announces that lawn services are provided on a lot.
- (m) *Memorial sign.* A sign that memorializes a person, place, event or structure.
- (n) *Nameplate sign.* A sign that is limited in content to the name or address, or both, of the owner or occupant of a building or lot on which it is located.
- (o) *Off-site advertising sign.* Any sign, including, without limitation, a billboard, that advertises or directs attention to a business, commodity, service or activity conducted, sold, or offered on property other than the lot on which the sign is located.
- (p) *Official flag or emblem.* A flag or emblem of a government, college, theological seminary, religious institution or commercial enterprise.
- (q) *On-site directory sign.* A sign, not readable from any public right-of-way, that lists the names and locations of some or all of the occupants or uses of a building or group of buildings, or both.
- (r) *On-site informational sign.* A sign, other than a development map or directory sign, that is commonly associated with, and limited to, information and directions necessary or convenient for persons coming on the lot, including, without limitation, ground signs marking entrances and exits, parking areas, one-way drives, restrooms, and pick-up and delivery areas or window signs identifying, without limitation, entrances, exits, hours of operation, credit cards accepted, contact information and services provided.
- (s) *Personal event sign.* A sign that announces a personal event or occasion, such as a birth, graduation or other celebration or event.
- (t) *Political election sign.* A sign that announces or supports political candidates or issues in connection with any national, state or local election.
- (u) *Political message sign.* A sign, other than a political election sign, that expresses a noncommercial message regarding an issue of political or public concern.

- (v) *Promotional sign.* A sign that promotes a sale, seasonal product or activity, or community or civic event.
- (w) *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.
- (x) *Reader board sign.* A sign that has changeable, physical copy for the purposes of advertising special events, sales or information changed on a regular basis. Reader board signs do not include electronic message centers.
- (y) *Real estate sign.* A sign that advertises the offering for sale, rent or lease, as well as the status of the sale, rental, lease or management, of the lot upon which the sign is located.
- (z) *Security sign.* A sign that announces that a security system is maintained on a lot.
- (aa) *Street clock.* Any timepiece erected upon a standard and located on a sidewalk or an exterior of a building or structure for the convenience of the public and which advertises a place of business.

4. *Structural sign types.*

- (a) *Awning, or canopy.* A sign that is mounted or painted on or attached to an awning, or canopy.
- (b) *Electronic Message Center.* A sign that has changeable, electronic copy composed of a series of lights that is used as an accessory display tool to the primary business sign for informational purposes only. A time, temperature, or fuel price only sign shall not be considered an electronic message center.
- (c) *Ground sign.* A sign that is mounted to or part of an independent base affixed to the ground and designed as an integral part of that base, the height of which *base is three feet or less.*
- (d) *Mobile sign.* A sign that is attached to, or carried by, any motor vehicle, bicycle or other similar apparatus.
- (e) *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.
- (f) *Pole sign.* A 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.
- (g) *Portable sign.* A non-illuminated sign that is not permanently affixed to a building, a structure or the ground.

- (h) *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.
- (i) *Sign Walker.* A temporary sign being held by, attached to, or in the form of a person or animal advertising for a business that is within the incorporated limits of the City and whose primary entrance is located 500 feet from the described sign.
- (j) *Temporary sign.* A sign that is professionally constructed of cloth, canvas, fabric, paper, plywood or other light material, is not attached to a permanent sign, and intended to be displayed for a short period of time. Without limitation of the foregoing, and without preclusion of any other functional sign from being considered to be a temporary sign, the following signs shall, for purposes of this Subchapter, be deemed to be temporary signs:
 - (i) Civic event signs;
 - (ii) Construction signs;
 - (iii) Holiday decorations;
 - (iv) Inflatable sign;
 - (v) Personal event signs;
 - (vi) Political election signs;
 - (vii) Promotional signs;
 - (viii) Real estate signs;
 - (ix) Sign Walker;
 - (x) Banner signs;
 - (xi) Portable signs; and
 - (xii) Mobile signs.
- (k) *Wall sign.* A sign that is affixed directly to or otherwise inscribed on an exterior wall, including doors, of any building, retaining wall, or other structure. 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 Subchapter.
- (l) *Window display.*
 - (i) 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
 - v. Backdrops, provided that: a backdrop shall be located behind the displayed items; and a backdrop that is not permanently constructed to fully enclose the window area shall not occupy more than 25% of the window area; and any sign that is part of a backdrop shall not exceed 50% of the window area. For purposes of this Section B, a "backdrop" shall be defined as 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.

(ii) Window displays shall not include words or messages on any board, banner, or other sign face including, without limitation, a business name, a product name, price or discount information, or description of services provided by that business.

(m) *Window sign.* A 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 Subchapter, shall not be considered to be a window sign.

(Ord. 2006-11-0068O, passed 11-28-2006)

C. GENERAL PROVISIONS.

1. *General requirements for a sign permit.* Except as provided in Section I of this Subchapter below, 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 Subchapter, without first obtaining a building permit from the Building Commissioner.
2. *Authority.* The Community Development Director may, in accordance with the procedures and standards set forth in this Section C, grant zoning approval of signs authorizing the construction and maintenance of signs subject to the regulations and standards contained in this Subchapter.
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 Community Development Director 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) If required by the Community Development Director, a master signage plan depicting all existing and proposed signs on the building or the lot or both;
 - (vii) 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;
 - (viii) If required by the Community Development Director, a copy of an electrical permit;
 - (ix) If required by the Community Development Director, a copy of an insurance policy or bond;
 - (xi) If required by the Community Development Director, 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 Subchapter and all other laws and ordinances of the city;
 - (xii) A survey indicating the lot lines and a drawing that shows the mounting technique and the underground details of the sign installation; and
 - (xiii) Any other information the Community Development Director shall require to show full compliance with this Subchapter and all other laws and ordinances of the city.
- (a) *Fees.* Sign permit fees shall be in the amounts established from time to time in the Building Code.
 - (b) *Action by the Community Development Director.* Within 60 days following the proper filing of a completed application, the Community Development Director 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 Section D of this Subchapter. The failure of the Community Development Director to act within 60 days, or such further time to which the applicant shall agree, shall be deemed to be a decision granting the sign permit.
2. *Standards for sign permits.* No sign permit shall be granted pursuant to this Subchapter unless the applicant shall establish, at a minimum, the following conditions.

- (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 a high quality design and materials and a good relationship with the design and character of the neighborhood.
 - (c) *Appropriateness to 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) *Compliance with this Subchapter.* The proposed sign shall comply with all applicable provisions of this Subchapter.
 - (e) *Sign dimensions maximums.* Where detailed in this Subchapter, 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 signage with the associated structure and property.
3. *Conditions on sign permits.* As part of a sign permit, the Community Development Director may impose any conditions and limitations concerning the construction and maintenance of the sign as may be necessary or appropriate to insure satisfaction of the standards set forth in this Section C of this Subchapter and the purposes and objectives of this Subchapter 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 Subchapter and shall constitute grounds for revocation of the sign permit.
4. *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 sign face, sign copy or structural elements 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 a period not to exceed 30 days. Temporary signs shall be removed within seven days after the

expiration of the sign permit. Within any one-year period, only four new sign permits for a temporary sign shall be permitted to be issued for any lot.

5. *Revocation of permit.* Any sign permit issued pursuant to this Section C of this Subchapter may be revoked or suspended by the Community Development Director if the holder of the sign permit violates the terms of the sign permit or any other provision of this Subchapter.
6. *Effect of issuance of a sign permit.* The issuance of a sign permit shall not authorize construction or maintenance of any sign, but shall merely authorize the preparation, filing and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the city, including, without limitation, a building permit.
7. *Final inspection.*
 - (a) Within 14 days following the issuance of a sign permit, the owner shall schedule with the Community Development Director a final inspection of the sign.
 - (b) If the owner fails to schedule a final inspection, or if Community Development Director determines at the final inspection that the sign fails to comply with this Subchapter, the Community Development Director shall have the authority to revoke the sign permit and require that the sign be removed.

(Ord. 2006-11-0068O, passed 11-28-2006)

D. SIGNS THAT REQUIRE REVIEW BY THE PLANNING AND ZONING COMMISSION.

1. *Signs requiring review.* Prior to the issuance of a sign permit by the Community Development Director pursuant to Section C of this Subchapter above, the following signs require review at a duly noticed public meeting by, and approval of, the Planning and Zoning Commission, pursuant to the procedures contained in division (3). below.
 - (a) The erection, installation or maintenance of any sign that is contemplated to be part of, or in connection with, a planned unit development that is approved pursuant to the Zoning Code, except for those signs that are consistent with a previously approved sign package.
 - (b) The erection, installation or maintenance of any sign that is contemplated to be part of, or in connection with a use that requires a conditional or special permit pursuant to the Zoning Code, except for those signs that are consistent with a previously approved sign package.
 - (c) The erection, installation or maintenance of any sign that is identified in this Subchapter designated as requiring specific review by the Planning and Zoning Commission.
2. *Standards.* No sign permit application shall be approved by the Planning and Zoning Commission unless the Planning and Zoning shall find that:

- (a) The proposed sign is not contrary to the intent of this Subchapter;
- (b) The proposed sign shall be erected and maintained in accordance with the intent of this Subchapter;
- (c) The proposed sign shall comply with all applicable provisions of this Subchapter;
- (d) The proposed sign shall comply with the standards for sign permits set forth in Section C of this Subchapter;
- (e) The proposed sign is reasonably necessary, and the degree of the exception is the minimum necessary to accomplish the purpose of the sign; and
- (f) The sign will not result in adverse effects upon the neighboring properties, or the health, safety and general welfare of the public.

3. *Procedures for Planning and Zoning Commission review.*

- (a) *Application.* If Planning and Zoning Commission approval is required pursuant to this Subchapter, upon submittal to the Community Development Director of a completed sign permit application as required pursuant to Section C of this Subchapter, the Community Development Director shall refer the application and all other relevant documents to the Planning and Zoning Commission for its consideration and decision.
- (b) *Notice.* Notice of the public meeting shall be provided in accordance with 11-203 of this Code.
- (c) *Meeting before the Planning and Zoning Commission.* The Planning and Zoning Commission shall consider the application at a public meeting commenced within 60 days after the completed sign permit application is submitted to the Community Development Director. At the meeting, the applicant and all interested parties shall have an opportunity to be heard and to present testimony and documentary evidence relating to the proposed sign.
- (d) *Decision.* The Planning and Zoning Commission shall either:
 - (i) Approve the sign permit application and direct the Community Development Director to issue a sign permit 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 Subchapter; or
 - (ii) Deny the sign permit application if the Planning and Zoning Commission determines that the application 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 Subchapter. 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.

- (e) *Conditions.* The Planning and Zoning Commission may approve a sign permit subject to any conditions the Planning and Zoning Commission shall deem necessary to protect the public welfare and to achieve the purposes of this Subchapter.

(Ord. 2006-11-0068O, passed 11-28-2006)

E. SIGN PACKAGES.

1. (A) *Intent.* The intent of the regulation of sign packages is to ensure that properties with multiple buildings, and buildings with multiple occupants or tenants, provide signage that is well designed and consistent throughout that building or property, while providing some flexibility in the design of the signs that are approved through a sign package.
2. (B) *Process.*
 - (a) *Special permit & public hearing.* A special permit application must be submitted for any sign package or amendment thereof, and a public hearing must be held in accordance with the City Zoning Ordinance.
 - (b) *Sign package review required.* A sign package shall be submitted to the Planning and Zoning Commission for its review and approval in accordance with this Section E, prior to issuance of any sign permit for the building, for:
 - (i) Any newly constructed building that contains multiple storefronts with ground floor entrances; or
 - (ii) 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 relating to all of the multiple storefronts with ground floor entrances.
 - (c) *Sign package review voluntary.* A sign package may be submitted to the Planning and Zoning Commission for its review and approval in accordance with this Section E for:
 - (i) Any property containing more than one building for which an application has been submitted requesting approval of more than one sign 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 on that property; and

(iii) Any multiple tenant building for which an application has been submitted requesting approval of more than one sign on that building or property.

3. *Contents of sign package.*

- (a) An application for approval of a sign package shall include details regarding the design and location of all proposed signs for which a sign permit is required.
- (b) The sign package shall clearly define the areas of the building or property for which approval of a sign package is requested. At a minimum, the following details shall be provided in the application submittal for approval of a sign package:
 - (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. *Standards.*

- (a) No sign package shall be approved by the Planning and Zoning Commission unless the Planning and Zoning Commission shall find that the sign package incorporates signage that is:
 - (i) Unified and consistent throughout the building or property;
 - (ii) Of a higher quality than would be otherwise required under the applicable sign regulations; and
 - (iii) Compatible with the design and materials of the building or buildings, and consistent with the area surrounding the building or property.
- (b) Notwithstanding any other provision of this Subchapter, an approved sign package shall govern the installation and maintenance of all signage requiring a sign permit on the building or property, or portion thereof, for which the sign package has been approved.

(Ord. 2006-11-0068O, passed 11-28-2006)

F. VARIATIONS AND APPEALS.

1. *Right to petition for a variance.*

- (a) A request for a variance from the provisions of this Subchapter may be filed with the Planning and Zoning Commission.
- (b) The Commission may recommend the granting of a variance, subject to final approval by the City Council, should they determine the unusual shape or topography of the

subject property has created circumstances which result in an unusual hardship being inflicted on the applicant through the strict enforcement of the provisions of this Subchapter.

(c) The degree of relief granted from the provisions by the City Council shall be limited to those variances which:

(i) Allow a setback less than that required under this Subchapter; or

(ii) Allow the area or height of a sign to be increased by up to 25% of the maximum allowable height or facing.

2. *Revocation of permit.* Should the Community Development Director determine there has been a violation of the provisions of this Subchapter or a misrepresentation of fact on the application form, the Community Development Director may, in his or her sole and absolute discretion, revoke any such applicant's permit issued under this Subchapter. The applicant may appeal the revocation to the Planning and Zoning Commission in accordance with the appeal process and procedures established in this Section F.
3. *Appeals.* Within 30-days after any adverse decision by the Community Development Director under Section C of this Subchapter or City Council on an application for a permit under this Subchapter, the applicant or permittee shall be entitled to a speedy and expeditious review process in accordance with the applicable provisions of this Subchapter, and those other codes, regulations, policies and *procedures* covering the appeal of any and all administrative review or procedural decision exercised in conjunction with an application for permit or a request for variance under the provisions specified herein.

(Ord. 2006-11-0068O, passed 11-28-2006)

G. General Standards.

The following general standards shall apply to all signs.

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 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.
 - (d) *Flashing Lights Prohibited.* Except for public service signs, electronic message centers, or when expressly permitted by this Subchapter, no flashing, blinking or intermittent lights shall be permitted.
 - (e) *Neon and Other Illuminated Tubing.* Neon and other illuminated tubing may be provided as an architectural enhancement subsequent to design review approval by the Planning and Zoning Commission.
2. *Sign Colors.* No sign shall employ more than four (4) colors plus black and white, unless otherwise expressly addressed in this Chapter.
 3. *Electrical Elements.* All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the Oak Forest Building Code.

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, wall and pylon 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. *Obstruction of Window Surface.* No sign shall project over, occupy or obstruct any window surface required for light or ventilation by any applicable provision of the Oak Forest Building Code.
8. *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.
9. *Signs of Right-of-Way.* Except as provided in this paragraph, no sign except governmental signs authorized in this Subchapter shall be placed in or extend into or over any public property or right-of-way. Temporary signs advertising civic functions may extend into or over a public right-of-way upon the specific prior approval of the Community Development Director on the basis of need and impact on pedestrian and vehicular traffic, and impact on surrounding properties.
10. *Sign Identification.* All signs shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign and the sign permit number.
11. *Sign Maintenance.* The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in compliance with this Code and all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The premises around ground and pylon signs shall be kept clean and free of all rubbish and weeds.
12. *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 message or face of the sign. Where a sign has more than one display face, all faces shall be included in determining the area of the sign.
 - (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 the foregoing subparagraphs.

(e) *Neon and other illuminated tubing.* When approved by the Planning and Zoning Commission, every lineal foot of neon and other illuminated tubing shall be counted as two square foot of sign area.

13. *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 permitted signage among such users.

14. *General Safety.* Notwithstanding any other provision of this Subchapter, no sign shall be located in any area or in any manner so as to create a nuisance or a threat to the public safety and welfare.

H. PERMITTED SIGNS BY ZONING DISTRICT.

(A) Signs requiring a sign permit in the following Zoning Districts: R1, R2, R3, R4, R5,

Type of Sign	R1	R2	R3	R4	R5	R6	C1	C2	C3	O1	I1	OS	IB
Attention getting devices (a)	-	-	-	-	-	-	-	-	-	-	-	-	-
Development map or directory	-	-	-	-	-	-	P	P	P	P	P	P	P
Governmental	P	P	P	P	P	P	P	P	P	P	P	P	P
Home occupation	S	S	S	S	S	S	-	-	-	-	-	-	-
Identification	S	S	S	S	S	S	P	P	P	P	P	P	P
Joint-identification	S	S	S	S	S	S	P	P	P	P	P	P	P
Lawn service	P	P	P	P	P	P	P	P	P	P	P	P	P
Memorial	P	P	P	P	P	P	P	P	P	P	P	P	P
Nameplate	P	P	P	P	P	P	P	P	P	P	P	P	P
Off-site advertising (b)	-	-	-	-	-	-	-	-	-	S	S	-	-
Official flag or emblem	P	P	P	P	P	P	P	P	P	P	P	P	P
On-site directory				-	-	-	P	P	P	P	P	P	P
On-site informational	-	-	-	-	-	-	P	P	P	P	P	P	P
Political message	P	P	P	P	P	P	P	P	P	P	P	P	P
Projecting sign	-	-	-	-	-	-	S	S	S	S	S	S	S
Public utility	P	P	P	P	P	P	P	P	P	P	P	P	P
Reader board	-	-	-	-	-	-	S	S	S	-	-	-	-
Reader board (portable)	-	-	-	-	-	-	-	-	-	-	-	-	-
Security	P	P	P	P	P	P	P	P	P	P	P	P	P
Street clock	-	-	-	-	-	-	S	S	S	-	-	-	-
Awning, or canopy	-	-	-	-	-	-	P	P	P	P	P	P	P
Electronic Message Center	-	-	-	-	-	-	P/S						
Ground	-	-	-	-	-	-	P	P	P	P	P	P	P
Pole	-	-	-	-	-	-	S	S	S	S	S	S	S

P = Permitted use S = Special permit required P/S- Permitted or special permit depending on certain conditions.

(a) Attention Getting Signs are prohibited with the exception of New and Used Car Dealerships as provided for under Section K.

(b) Off-site advertising shall be limited to identification/joint-identification signs for developments as needed to provide direction/location visibility when not possible to be achieved on site.

Type of Sign	R1	R2	R3	R4	R5	R6	C1	C2	C3	O1	I1	OS	IB
Temporary Signs													
Banner	-	-	-	-	-	-	P	P	P	P	P	P	P
Civic event	P	P	P	P	P	P	P	P	P	P	P	P	P
Construction	P	P	P	P	P	P	P	P	P	P	P	P	P
Holiday	P	P	P	P	P	P	P	P	P	P	P	P	P
Inflatable	P	P	P	P	P	P	P	P	P	P	P	P	P
Mobile	-	-		-	-	-	P	P	P	-	-	-	-
Personal	P	P	P	P	P	P	-	-	-	-	-	-	-
Event	P	P	P	P	P	P	P	P	P	P	P	P	P
Political election	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable	-	-	-	-	-	-	P	P	P	P	P	P	P
Promotional	-	-	-	-	-	-	P	P	P	P	P	P	P
Real estate	P	P	P	P	P	P	P	P	P	P	P	P	P
Sign Walker	-	-	-	-	-	-	P	P	P	P	P	P	P
Wall				-	-	-	P	P	P	P	P	P	P
Window display	-	-	-	-	-	-	P	P	P	-	-	-	-
Window sign	-	-	-	-	-	-	P	P	P	P	P	P	P

P = Permitted use S = Special permit required P/S- Permitted or special permit subject to certain conditions.

(a) Attention Getting Signs are prohibited with the exception of New and Used Car Dealerships.

(b) Off-site advertising shall be limited to identification/joint-identification signs for developments as needed to provide direction/location visibility when not possible to be achieved on site.

I. SIGNS EXEMPTED FROM PERMIT REQUIREMENTS.

The following signs shall be exempt from the permit requirements of this Subchapter:

Exempt Sign Type	Number of Signs Permitted on Lot	Maximum Permitted Sign Area	Maximum Permitted Sign Height
Civic event (a)	-	-	-
Construction	One	12 SF in residential zoning districts total; 32 SF in all other zoning districts total	Four feet
Lawn service	One	Six sf total	Four feet
Memorial	One	Four sf total	Four feet
Nameplate	One	1 sf for single-family dwellings total, 3 sf for multi-family buildings total	Four feet
Official flag or emblem	One	24 sf total	15 feet
Personal event (b)	One	32 sf total	Seven feet
Political election (c)	No limit Four	Six sf 32 sf total	Four feet
Political message	Two	Six sf	Four feet
Real estate (d)	One sign, two signs if the lot has double frontage	6 sf one side (12 sf on 2 sides total) for single-family residential properties 16 sf on one side (32 sf on 2 sides total) for all other properties	4 feet for single-family residential properties 6 feet for all other properties
Window sign	-	25% of the window area	-

(a) Signs do not require a permit and are permitted in the public right-of-way.

(b) Signs shall be posted no more than three days prior to and removed no later than one day after the date of the event.

(c) For residential zoned property, political signs do not have any time limitation. For non-residential zoned property, political signs shall be erected no earlier than 45 days prior to an election or referendum and removed no later than seven days after the election or referendum. Signs shall be placed on private property only.

(d) Signs for single-family residential properties shall be removed no later than seven days following the sale or rental of the subject property. Signs for all other properties shall be removed no longer than fourteen (14) days

following the date upon which the development or structure is ninety percent (90%) sold or leased or one (1) year, which is less.

(Ord. 2006-11-0068O, passed 11-28-2006)

J. PERMITTED SIGNS REQUIRING SIGN PERMITS.

Sign Type	Number of Signs Permitted on Lot	Maximum Permitted Sign Area	Maximum Permitted Sign Height
Attention getting devices (a)	-	-	-
Development map or directory	One	Ten sf total	4 feet
Home occupation	-	-	-
Electronic Message Center	Refer to Section K, Structural Type Regulations		
Identification	One	25 sf total	Eight feet
Joint-identification	One	40 sf total	Ten feet
Off-site advertising	-	-	-
On-site directory	One	Ten sf total	Four feet
On-site informational	One	Three sf total	Four feet
Projecting	Refer to Section K Structural Type Regulations		
Public utility	-	-	-
Reader board	One	40 sf total	20 feet 10 Feet
Security	One	Two sf total	-
Street clock	Refer to Section, Structural Type Regulations		
Awning, or canopy or marquee	Refer to Section K, Structural Type Regulations		
Ground	Refer to Section K, Structural Type Regulations		
Moving or animated	-	-	-
Pole	Refer to Section K, Structural Type Regulations		
Temporary signs (b)	Refer to Section K, Structural Type Regulations for all Temporary Signs		
Banner (c)	-	32 sf total	4 feet
Portable	-	32 sf total	4 feet

Promotional (d)	-	32 sf total, except inflatable signs	6 feet, except inflatable signs shall not exceed 15 feet
Wall	Refer to Section K, Structural Type Regulations		
Window display (e)	-	-	-
(a) Attention Getting Signs are only permitted for New and Used Car Dealerships. These signs will still require the issuance of a permit. See Section K, Structural Type Regulations for all Temporary Signs.			
(b) Temporary Signs. Sign permits for temporary signs shall remain in effect for a period not to exceed 30 days. Temporary signs shall be removed within seven days after the expiration of the sign permit. Within any one year period, only four new sign permits for a temporary sign shall be permitted to be issued for any lot.			
(c) Banners are also permitted on city light poles subject to City Council approval.			
(d) (1) Special events such as: carnivals, circuses and the like. These signs shall not be erected more than 14-days in advance of the event, and shall be removed no later than three days after the termination of the event. The signs shall be placed on private property in a manner that does not obstruct the vision of pedestrians or vehicles accessing a public or private right-of-way; (2) Including, hot air balloons are permitted for grand openings, sales, and other special events on a temporary basis, for no more than three days at a time.			
(e) 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: (a) stands; (b) mannequins; (c) platforms; (d) lighting; and (e) backdrops, provided that (1) a backdrop shall be located behind the displayed items and (2) a backdrop that is not permanently constructed to fully enclose the window area shall not occupy more than 25% of the window area and (3) any sign that is part of a backdrop shall not exceed 50% of the window area. For purposes of this Subchapter, a “backdrop” shall be defined as 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.			

(Ord. 2006-11-0068O, passed 11-28-2006)

K. STRUCTURAL TYPE REGULATIONS.

1. *Ground signs.*

(a) *Construction of ground signs.*

- (i) *Materials required.* Ground 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 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) *Landscaping.* Ground 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 a minimum of 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.

(b) *Standards for ground signs.*

- (i) *Height and area limitations.* Ground signs shall not exceed a height greater than 10 feet above the adjoining ground level, if such ground level is higher than the street level. Ground signs shall not exceed 100 square feet on one side (200 square feet on two sides) in surface area for the first ground sign. Any ground sign beyond the first ground sign shall not exceed fifty-percent the area of the first sign.
- (ii) *Quantity and Spacing.* One ground sign shall be permitted per street frontage on a zoning lot with 100 or more lineal feet of continuous street frontage. Zoning lots with a continuous street frontage over 600 lineal feet may apply for a second sign on that street frontage as a special permit. No ground sign shall be closer than two feet away from any other sign, building and/or structure.
- (iii) *Setbacks.* Ground signs shall be erected no less than two feet from the property line of the subject property on which the sign is erected. Ground signs shall not encroach into a sight triangle as defined in Subsection 12-206 of this Code
- (iv) *For lease/for sale component.* In lieu of an exempt real estate sign as provided for under Section I of this Subchapter, a ground sign for a multi-tenant building or lot may contain an additional 16 square feet of area on one side (32 square feet on two sides total) for the purposes of advertising for lease or for sale units. This additional component may be used for additional signage for the principal use when the building or lot is fully leased or sold. The addition of this component precludes any multi-tenant building or lot from displaying an exempt real estate sign as provided for under Section I of this Subchapter.

2. *Pole signs.*

(a) *Construction of pole signs.*

- (i) *Materials required.* Pole signs shall have a surface or facing of incombustible materials with poles and other support structures enclosed with 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 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) *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 a minimum of 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.

(b) *Standards for pole signs.*

- (i) *Height and area limitations.* Pole signs shall not exceed a height greater than 15 feet above the adjoining ground level or street level with up to twenty-five percent increase subject to special permit approval. 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 the area of the first sign; however,
- (ii) *Quantity and Spacing.* In instances where the standards for a ground sign are not able to be physically met or extenuating circumstances exist, one pole sign shall be allowed with a special permit per street frontage on a zoning lot with 100 or more lineal feet of continuous street frontage. Zoning lots with a continuous street frontage over 600 lineal feet may apply for a second sign on that street frontage as part of a special permit. No pole sign shall be closer than two feet away from any other sign, building and/or structure.
- (iii) *Design.* Pole signs shall implement a unique design theme consisting of various shapes and styles, and shall not use the traditional style of a singular pole with a cabinet/box display attached.
- (iv) *Setbacks.* The final location of any pole sign shall be determined as a condition of the special permit with no pole sign to be erected less than two feet from the property line of the subject property on which the sign is erected and comply with the sight triangle requirement of Subsection 12-206 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.

- (v) *For lease/for sale component.* In lieu of an exempt real estate sign as provided for under Section I of this Subchapter, a pole sign for a multi-tenant building or lot may contain an additional 16 square feet of area on one side (32 square feet on two sides) for the purposes of advertising for lease or for sale units. This additional component may be used for additional signage for the principal use when the building or lot is fully leased or sold. The addition of this component precludes any multi-tenant building or lot from displaying an exempt real estate sign as provided for under Section I of this Subchapter.

3. *Electronic Message Centers.*

(a) *Quantity of electronic message centers.*

- (1) *Ground Sign.* One electronic message center per lot may be permitted as a component of any ground sign as an accessory tool to the primary business sign provided it meets the standards in division (b) below. Multiple electronic centers on any lot or any proposed electronic message centers not meeting the standards in division (b) below may be allowed subject to special permit approval.
- (2) *Pole Sign.* An electronic message center may be allowed as a component of any pole sign subject to special 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 permit approval condition.

(b) *Standards for electronic message centers.*

- (i) The electronic message center area shall not exceed twenty-five percent (25%) of the area of the ground sign to which it is part. The electronic message center area shall be integrated into the design of the overall ground mounted sign.
- (ii) 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.
- (iii) 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.
- (iv) The copy, logo or display of the sign shall remain static and unchanging for a period of no less than 10 seconds.
- (v) The sign may be used to advertise commercial products available at the businesses located on the premises, non-commercial messages from not-for-profit or governmental organizations located within the city, and advertisements for public meetings and non-commercial public events in the city.
- (vi) The message shall not consist of flashing, scintillating, chasing or animated lights, or include animated pictorial graphics.
- (vii) 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.

- (viii) 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 city, shall reduce the intensity of the sign to a level acceptable to the city.
- (ix) 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.
- (x) 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 is closed to the public, or 11:00 P.M., whichever is later.
- (xi) 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.

4. *Wall signs.*

(a) *Construction of 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 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.

(b) *Location of wall signs.*

- (i) *Placement.* Wall signs shall be placed and designed so as to fit within the horizontal and vertical elements of a building. Wall signs shall 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, and may only be located on walls that are facing a right of way.
- (ii) *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.

(c) *Dimensions & Size.*

- (i) *Total maximum area.* Any wall sign shall not exceed 300 square feet in area.
- (ii) *Total wall sign area for large frontages.* The total area for all wall signs on a single tenant building, or individual tenant space in a multi-tenant building, with

more than thirty (30) feet of frontage shall not exceed more than one (1) square foot of area for each (one) 1 lineal foot of frontage facing a right of way.

(iii) *Total wall sign area for small frontages.* The total area for all wall signs on a single tenant building, or individual tenant space in a multi-tenant building, with thirty (30) feet of frontage or less shall not exceed more than one and a half (1.5) square feet of area for each one (1) lineal foot of frontage.

(iv) *Height.* The maximum height of any wall sign shall be no more than seven (7) feet.

(d) *Quantity.*

(i) *Single tenant number of wall signs.* A single tenant building shall be permitted one wall sign per frontage on public right of way or a main point of ingress/egress into the commercial development.

(ii) *Multi-tenant number of wall signs.* A multi-tenant or multi-storefront building shall be permitted one wall sign per business/store frontage on public right of way or a main point of ingress/egress into the commercial development. Each business/store shall be defined for the purposes of this Chapter as having its own secured entrance. Any business being operated inside of another business operation will not qualify for its own wall sign.

5. *Projecting signs.*

(a) *Area limitations.* Except by special permission of the City Council, projecting signs shall be limited in area as follows:

(i) Horizontal projecting signs, where width is greater than height, shall not exceed 50 square feet on each side; and

(ii) Vertical projecting signs, where height is greater than width, shall not exceed 100 square feet on each side.

(b) *Thickness limitation.* The distance measured between the principal faces of any projecting sign shall not exceed 18 inches.

(c) *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.

(d) *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.

6. *Temporary signs.*

(a) *Permits for temporary sign.*

(i) *Temporary sign permit required.* Permits for temporary signs shall be issued by the Community Development Director subject to the conditions of this Subchapter. Any signage departing from the standards of this Subchapter shall require special permit approval.

(ii) *Exempt temporary signs.* The following temporary signs shall not require a permit provided that meet the stated conditions.

(a) *Sign-Walkers.* A business or use is allowed one (1) sign-walker limited to activity during the following 2 hour shift periods: 6:00 a.m. until 8:00 a.m., 11:00 a.m. until 1:00 p.m., and 5:00 p.m. until 7:00 p.m. Sign-walkers must not obstruct the view or the path of travel of any pedestrian or motorist. Hand held or walking signs are allowed to promote or advertise sales, activities or events for the subject business or use in which it is associated with and within the City of Oak Forest. Sign walkers are allowed on property in which sale, activity, or event is taking place or on public sidewalk during the required times and distances regulated by this Ordinance.

A business or use is allowed one sign-walker or a temporary daily special sign(s) per street frontage; however both may not be used at the same time.

(b) *Pre-Opening and Grand Opening Temporary Signs.* One (1) temporary wall sign of a maximum of 32 square feet in area and 1 temporary ground sign of a maximum of 16 square feet on 1 side (32 square feet on two sides total) are allowed for a ninety (90) day period prior to the opening of a business or use (such as 'Coming Soon') and ninety (90) days after the opening of the business or use (such as 'Now Open'). Ground signs must be setback a minimum of 10 feet from all property lines and not obstructing the view or path of travel of any pedestrians or motorist. Any inappropriate or objectionable signage will be subject to removal by the Community Development Director or the Building Commissioner.

(c) *Daily Special Signs, Temporary.* 1 collapsible A-frame sign not to exceed 6 square feet in area (12 square feet on two sides total) is allowed. Signs may only be displayed during open to the public operating hours and must be removed daily from display after operating hours. Signs must be setback a minimum of 10 feet from all property lines and not obstructing the view or path of travel of any pedestrians or motorist.

One (1) portable (banner flags with single post on the ground) temporary sign for every 50 feet of right-of-way frontage of the business may be displayed on

the associated business property and only during open to the public operating hours and must be removed daily from display after operating hours.

A business or use is allowed one sign-walker or a temporary daily special sign per street frontage; however both may not be used at the same time.

(d) *Attention Getting Devices Associated with New and Used Car Dealerships.* In addition to other temporary signs, new and used car dealerships shall be permitted to display attention getting devices as described in this paragraph with an approved temporary sign permit renewable annually. Attention getting devices shall be limited to non-illuminated banners and streamers attached only to light poles located on site. Any banner shall not exceed 21 square feet on one side in area with a maximum of two sides with a maximum of 4 banners per street frontage. The bottom of any such devices shall be no lower than 8 feet in height and shall not be displayed at a height greater than 15 feet. All displayed attention getting devices must be maintained in a safe and aesthetically pleasing condition, and if any devices become illegible, damaged, or otherwise in poor condition, such devices must be removed. Any devices are subject to revocation of the temporary sign permit and immediate removal based on a determination by the Community Development Director or the Building Commissioner in regards to degraded or unsafe conditions presented by any such devices. No signs may be re-established without obtaining an approved temporary sign permit.

(b) *Construction of temporary signs.*

(i) *Materials.* Such signs shall be made of rigid materials such as wall board or other light materials with frames.

(ii) *Weight limitation.* Temporary signs weighing in excess of 50 pounds must be approved by the Building Commissioner as conforming to the safety requirements of the Building Code of the City of Oak Forest.

(c) *Location/projection of temporary signs.* No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare more than four inches from the wall upon which it is erected and shall not be placed or project over any wall opening.

(d) *Erection, anchorage and support of temporary signs.* Every temporary sign shall be attached with wire or steel cables. No strings, ropes or wood slats for anchorage or support purposes shall be permitted.

(e) *Duration of permits for temporary signs.* Permits for temporary signs shall authorize their erection and maintenance for period not exceeding 30 days.

(f) *Advertising permitted on temporary signs.* The advertisement contained on any temporary sign shall pertain only to the business, industry or pursuit conducted on or

within the premises on which such sign is erected or maintained. This provision shall not apply to signs of a civic, political or religious nature.

- (g) *Temporary signs.* All temporary signs must comply with the temporary uses regulations provided in Section 9-103 of this Code.

7. *Awnings and canopies.*

(a) *Construction of awnings and canopies.*

- (i) *Materials; awnings.* Awnings may be constructed of cloth or metal; provided, however, all frames and supports shall be of metal. All awnings shall meet the standards set forth in the design review guidelines.
- (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 shall be made of cloth; provided, however, all frames and supports shall be of metal.
- (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 all other applicable standards.

(b) *Location of awnings and canopies.*

- (i) *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.
- (ii) *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.
- (iii) *Setback from curb line.* No awning or canopy shall be permitted to extend beyond a point one foot inside the curb line.
- (iv) *Width.* No limitation on width of awnings; provided, however, full compliance with the wind pressure and dead load requirements is required. No canopy shall be permitted to exceed eight feet in width.
- (c) *Advertising.* No advertising shall be placed on any awning or canopy, except that the name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not exceeding twelve (12) inches in height on the front and side of the awning or canopy.

- (d) *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.

8. *Street clocks.*

- (a) *Construction requirements.* Street clocks shall be constructed of incombustible material, including the frames, braces and supports.
- (b) *Regulation of size and dial.* The dial of such clocks shall be not less than thirty (30) inches or more than forty (40) inches in diameter.
- (c) *Glass requirements.* Any glass forming a part of a clock shall be safety glass, or plate glass at least one-fourth inch thick and in case any single piece or pane of glass has an area exceeding three (3) square feet, it shall be constructed of wire glass, securely held in place.
- (d) *Moveable parts to be secured.* The cover or service openings of street clocks shall be securely fastened by metal hinges.
- (e) *Location/placement of street clocks.*
 - (c) *Clocks erected on walls.* Clocks supported on the corner of any building or structure at the intersection of two streets shall not be less than fifteen (15) feet nor more than twenty (20) feet above the sidewalk and shall not project from the face or wall of the building or structure more than five feet.
 - (d) *Clocks erected on sidewalk.* Clocks erected on the sidewalk shall be supported upon a post of ornamental design, shall be not less than fifteen (15) feet in height, shall be not more than twenty (20) inches from the outer edge of the curb, and shall be at least twenty (20) feet from the point of intersection of the lines of any street, measured parallel with the street.
 - (i) *Limitation on permits; clocks on sidewalks.* Any person erecting a street clock on any public sidewalk shall obtain the special written permission of the City Council in addition to all other permits required by this Subchapter.
 - (ii) *Limitation on permits; general.* No person shall be permitted to erect more than one street clock at any one business location.
 - (iii) *Advertising permitted.* Only the name of the owner, proprietor, or manager of the place of business erecting and/or maintaining such clock, and the nature of the business, shall be permitted as advertising matter on such clock.
 - (iv) *Must keep accurate time.* Street clocks shall keep accurate time and shall be promptly repaired or removed if this requirement is not complied with.

9. *Billboards; erection ban.* Subsequent to the effective date of this Subchapter, no new erection permits shall be issued by the Building Commissioner for billboards, except for areas designated for heavy industry within the City of Oak Forest. Existing billboards must comply with the requirements of Section M of this Subchapter.
10. *Exceptional & Unique Sign.* Signs not explicitly covered by this Subchapter may be allowed with special permit approval only within the context of the following considerations:
 - (a) 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;
 - (b) The sign is needed to provide advertising for a specific and unique aspect related to a particular business or lot;
 - (c) The sign utilizes technology or standards not presently covered by this Subchapter;
 - (d) The sign or elements of the sign are not explicitly prohibited under Section L of this Subchapter;
 - (e) The sign will not present visual, noise, smell or other nuisance conditions to the surrounding properties or the city as a whole; and
 - (f) The sign will not impact negatively on the health, safety, and welfare of the surrounding properties or the city as a whole.

(Ord. 2006-11-0068O, passed 11-28-2006)

L. MAINTENANCE AND GENERAL SIGN PROHIBITIONS.

1. *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 its illumination sources, in compliance with this Subchapter and all applicable laws, in a safe, secure, neat and orderly condition, and in good-working order, at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of the sign. 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.
2. *Removal 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 sign shall be immediately taken down and removed from the subject property.
3. *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 permitted 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 device, 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 Subchapter 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, except for time-temperature-date signs.
 - (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 permitted.
 - (i) No signs attached to trees, fences, public utility poles, standpipes, gutter drains or fire escapes, other than warning signs issued by government officials or public utilities, shall be permitted. Signs attached to fences shall be legal only if the sign is in regards to the identification of the fence distributor, and shall be limited to one square foot in area.
 - (j) No streamers, posters, ribbons, lights bulbs, light bands, spinners, attention-getting devices that move, blink or flash signs shall be permitted; provided, however, that this restriction shall not apply to temperature and date signs, signs which exhibit changing natural and/or artificial light or color 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.
 - (k) No signs or decorative elements shall be allowed on roofs.

- (l) Signs which are painted directly onto an exterior wall of any building or other structure.
- (m) 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.
- (n) Signs which are painted directly onto any exterior wall of any building or other structure are prohibited.
- (o) Any sign comprised of plywood or similar material.
- (p) No sign, except governmental and civic signs authorized in this Subchapter, shall be placed in or extend into or over any public property or right-of-way.

(Ord. 2006-11-0068O, passed 11-28-2006)

M. NONCONFORMING SIGNS.

1. *Termination by abandonment.*
 - (a) 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 Subchapter.
 - (b) Notwithstanding anything to the contrary in this Section M, 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 M.
2. *Termination by change of business ownership.* Any nonconforming sign related to a closed business shall be brought into compliance with this Subchapter upon any change of ownership or control of the business.
3. *Termination by amortization.* Any nonconforming sign, or any nonconforming element of a sign capable of change or discontinuance separate from other elements of the sign that has not been terminated pursuant to any other provision of this Subchapter shall be terminated no later than the date provided in the following schedule.

Original Value of Sign or Sign Element as Shown on Sign Permit	Removal Required Within Following Period of Time*
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Less than \$1,000	1 year
\$1,001 to \$3,000	2 years
\$3,001 to \$5,000	3 years
\$5,001 to \$7,000	4 years
Over \$7,000	5 years
* Removal required within the following period of time: The owner will have the provided period of time to remove the nonconforming sign. The time period will begin from the date in which the Community Development Director has notified the owner of the nonconforming sign.	

4. *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.
 - (a) Notwithstanding anything to the contrary in this Section M or elsewhere in this Subchapter, an owner or operator of a nonconforming billboard shall not be subject to the amortization or other nonconforming use provisions of this Subchapter.
 - (b) A nonconforming billboard shall be removed upon:
 - (i) The recommendation of the Community Development Director to the City Council; and
 - (ii) The City Council approving the recommendation by resolution duly adopted.
5. 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.
6. 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.
7. 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.

8. 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)

N. UNLAWFUL SIGNS.

1. Should the Building Commissioner determine a sign or other advertising structure is in violation of the provisions of this Subchapter, 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 Subchapter 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.

(Ord. 2006-11-0068O, passed 11-28-2006)

O. SEVERABILITY.

If any provision of this Subchapter or the application thereof to any person or circumstances, shall be held invalid by any court of competent jurisdiction, the invalidity shall not affect the other provisions, or application thereof, of this Subchapter which can be given effect without the invalid provisions or application, and to this end, the provisions of this Subchapter are hereby declared to be severable.

(Ord. 2006-11-0068O, passed 11-28-2006)

P. PROTECTION OF FIRST AMENDMENT RIGHTS.

Any sign permitted under the provisions of this Subchapter, may contain, in lieu of any other copy, any lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements.

(Ord. 2006-11-0068O, passed 11-28-2006)

Q. PENALTY.

1. Any person violating any provision of this Subchapter for which no specific penalty is prescribed shall be subject to § 10.99 of the City of Oak Forest Code of Ordinances.

- (1) Whoever violates or fails to comply with any of the provisions of this Zoning Code shall be fined not more than \$500 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty provided for herein shall be in addition to any fee, deposit, charge, surcharge, interest, insurance or bond requirement or equitable remedy provided in this Zoning Code.

- (2) 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.

(Ord. 2381, Ch. 2 (part), passed - -1999)

2. 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.

(2000 Code, § 17.44.040) (Ord. 2420 § 4, passed - -1999)

3. Any person or corporate entity violating any of the provisions of Sections A through P of this Subchapter shall be deemed guilty of a misdemeanor and upon conviction thereof, be subject to a \$750 fine. For the purposes of this Subchapter, each day the violation is committed, or permitted to continue, shall constitute a separate offense.

(Ord. 2006-11-0068O, passed 11-28-2006)

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 yards, all yards 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) single-family 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 Sub-Area. 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 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 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 design review process.

(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 yard 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 yard required in the adjacent residential district, whichever is greater, and from any other yard line a distance equal to the yard normally required or 25 feet, whichever is greater.
2. Special Landscaping and Screening of Special Front and Corner Side Setbacks. Any front or corner side yard 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; Outdoor Storage.
1. Screening. All refuse containers and 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 refuse containers or storage areas shall be located between any principal structure and either its front or corner side lot line.
 3. Exemptions. The requirements of Paragraph 1 hereof shall not apply to standard receptacles permitted for use by single family dwellings or to receptacles accessory to schools. 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. 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.
- K. Fences and Walls. When located in a required yard, fences shall be installed with the finished side facing the neighboring property. 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 yard shall be subject to the following height limitations:

<u>Location</u>	<u>Maximum Height of Fence</u>
Single Family Residential Districts	
Front yard:	3 feet
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
All Other Districts	
Front and corner yards	3 feet
All other yards	8 feet

PART II - SUPPLEMENTAL REGULATIONS FOR PARTICULAR USES

9-201: PERSONAL WIRELESS SERVICES

- 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.

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 III - 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.

9-302: DEFINITIONS

EMPLOYEE shall mean 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.

EXCRETORY FUNCTIONS shall mean 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.

MUNICIPALITY shall mean the City of Oak Forest, Illinois.

NUDITY or **NUDE** shall mean exposing to view specified anatomical areas or any device, costume, or covering that gives the appearance of or simulates any specified anatomical areas.

PATRON shall mean any natural person who is not an employee.

SEMI-NUDITY or **SEMI-NUDE** shall mean 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.

SEXUALLY ORIENTED AMUSEMENT DEVICE shall mean 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 shall mean 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.

SPECIFIED ANATOMICAL AREAS shall mean 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 shall mean 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.

9-303: SPECIAL USE

Any other ordinance or section of any ordinance notwithstanding, and subject to the setback requirements of Section 9-304, sexually oriented businesses shall be a special use only in the II Industrial District. Sexually oriented businesses shall not be a permitted use in any district.

9-304: SETBACK REQUIREMENTS

No sexually oriented business shall be located within 450 feet of the property boundary of any other sexually oriented business, and any school, day care center, cemetery, public park including any lineal recreational area like a bike path, public housing, place of religious worship, lot zoned for residential purposes, and lot used for residential purposes.

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.

9-306: SIGNAGE

No sexually oriented business shall advertise by way of billboard, sign boards or sign, within 450 feet of any school, day care center, cemetery, public park including any lineal recreational area like a bike path, public housing, and place of religious worship.

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.

9-308: AMORTIZATION

If at the time this Chapter becomes effective, any sexually oriented business exists in a location not permitted by this Chapter or is otherwise not in compliance with this Chapter, then the sexually oriented business shall constitute a legal non-conforming use. However, notwithstanding any other ordinance or section of any ordinance to the contrary, the legal non-conforming sexually oriented business shall come into compliance with the requirements of this Chapter within one year of the effective date of this Chapter. No sexually oriented business shall constitute a legal non-conforming use after one year after the effective date of this Chapter.

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 village 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.

PART IV - DESIGN GUIDELINES

9-401: DESIGN REVIEW PERMIT REQUIRED.

Unless a Design Review Permit shall have first been obtained pursuant to Section 11-505 of this Code, no person shall perform, cause, or permit any construction, alteration, remodeling, removal, movement, or demolition of any building, structure, or other improvement of or on any property, and no person shall be entitled to the issuance of a permit authorizing any such work.

For purposes of this Section 9-401, all work described in the preceding sentence shall, collectively, be defined as “Improvement Work.”

A. Exemptions.

1. No 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 existed prior to the fire, storm, or other catastrophic damage, and is otherwise in accordance with all applicable codes and ordinances.
2. No Design Review Permit shall be required for any Improvement Work that is determined to be within the Level I Design Review, as described in Subsection 9-401B of this Code.

B. Modified Design Review Process. The process for securing the issuance of a Design Review Permit for Improvement Work shall be as set forth in Section 11-505 of this Code, except as follows:

1. Applications. All applications for a Design Review Permit for Improvement Work shall be submitted to the Community Development Director for a determination of whether a Level I, Level II, or Level III design review is appropriate and required. The determination of the Community Development Director shall be final unless a written appeal there from is filed with the Planning and Zoning Commission, in which case the determination of the Planning and Zoning Commission shall be final.
2. Design Review Process Levels.
 - (a) Level I. The Level I design review is 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 Level I activities include, without limitation, the following: repainting a building or sign 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; changing the signage on an awning while keeping the awning itself the same; adding window air conditioning units to the rear or side of a building; resurfacing or re-striping a parking lot; replacing a roof, door, or window with the same type of roof, door or window; or replacing or repairing steps with the same

type of step. The Level I design review shall consist only of written notification to the Community Development Director prior to the commencement of the applicable Improvement Work. The issuance of a Design Review Permit shall not be required for any such Improvement Work.

- (b) Level II. The Level II design review is for Improvement Work that consists of either (i) ordinary and routine maintenance or repair activities that would require a building permit pursuant to the City's Building Code or (ii) minor replacement work activities. Examples of Level II activities include, without limitation, the following: replacing a sign with a different type of sign; replacing a roof, door, or window with a different type of roof, door, or window; adding an awning to a building; replacing an awning with an awning of a different style or material; painting a building or sign with a different color than the original; or replacing steps with a different type of step.

The Level II design review shall consist of review by the Planning and Zoning Commission in accordance with the procedures set forth in Subsections 11-505D of this Code; provided that no action by the City Council shall be necessary or required. The Planning and Zoning Commission shall have final authority to grant a Design Review Permit with respect to all Improvement Work within the Level II design review.

- (c) Level III. The Level III design review is for any and all Improvement Work that, as a result of its substance, detail, scope, and complexity, requires a more comprehensive review than that allowed by a Level I or Level II design review.

The Level III design review shall consist of all of the procedures and requirements set forth in Section 11-505D of this Code.

9-402: BUILDING AND STRUCTURE DESIGN

Applicable to all Commercial and Multi-Family Districts or any new single family construction (Level II), buildings and structures and all major exterior renovations, additions and façade changes shall conform to the following regulations:

- A. Buildings and structures shall be consistent with the architectural character, scale and in harmony with the vicinity and of adjacent property.
- B. Building materials shall be selected for suitability in the context of the neighborhood. Buildings shall use the same materials or those which are architecturally harmonious for all building walls and other exterior components that are wholly or partially visible from public ways.
- C. Building materials shall be of durable quality.

- D. Brick, other masonry materials or other attractive materials approved by the Design Review Committee 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.
- E. Flat roofs and mansard roofs are discouraged except where such roofs are the predominant style in the neighborhood.
- F. Building components, such as windows, doors, eaves and parapets shall be consistent in proportion and style with the predominant style of the neighborhood.
- G. Exterior lighting should be a part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design.
- H. Signs shall be part of the architectural concept and shall conform to the regulations set forth in this Article IX, Part I-C.
- I. 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.

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. Inventory and Notice of Nonconforming Uses and Signs Subject to Termination. Within a reasonable time after the effective date of this Code, or any amendment thereto creating new nonconformities, and pursuant to Subsection 11-101 M of this Code, the Community Development Director shall inventory all nonconforming uses and determine the names and addresses of the owners of record thereof and shall also inventory all signs and determine the names and addresses of the owners thereof or, in any case where such a determination is impractical, the owner or lessee of the premises on which such sign is located.

For each such nonconformity inventoried, the Community Development Director shall determine the nature and extent of the nonconformity and the date, if any, on which such nonconformity is required to be terminated pursuant to the provision of this Article.

Upon making such determination, the Community Development Director shall notify the aforesaid owner or lessee in writing of his determination. Such inventory and notices shall be kept on file by the Community Development Director and shall be a matter of public record.

Compilation of the inventory required pursuant to this Paragraph and giving notice pursuant to this Paragraph shall not be deemed conditions precedent to the running of any amortization period specified in this Article, nor shall the failure of the Community Development Director to carry out such tasks in any manner relieve the owner of a nonconformity of his duty to terminate such nonconformity in accordance with the provisions of this Article.

The determinations of the Community Development Director made pursuant to this paragraph shall be subject to appeal to the Zoning Board of Appeals in the same manner as other rulings and interpretations.

3. 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, yard or space nonconformity or increase the degree of any existing parking, loading, bulk, yard 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, yard or space nonconformity or increase the degree of any existing parking, loading, bulk, yard 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, yard or space nonconformity or increasing the degree of any parking, loading, bulk, yard 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, yard or space nonconformity or increase the degree of any parking, loading, bulk yard 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; provided, 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, yard or space nonconformity nor increase the degree of any existing parking, loading, bulk, yard 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, yard or space nonconformity or increase the degree of any existing parking, loading, bulk, yard 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 locates 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, yard or space nonconformity or increasing the degree of any existing parking, loading, bulk, yard 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, yard 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 to 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 more:	25 years or 40 years from date of building permit, whichever is later
• Fireproof or non-combustible Construction	
• Exterior Masonry Wall Construction	20 years or 30 years from date of building permit
• 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, yard, setback, floor area ratio, and all other requirements of the zoning district in which the structure is located.
 2. Exceptions for Single-Family Detached Dwellings in Single-Family Residential Districts. Notwithstanding the preceding sentence, in the case of single-family detached dwellings in single-family residential districts, the following exceptions shall apply:
 - (a) Side yard vertical extensions. Any portion of a pre-code structure that is nonconforming with respect to a required side yard 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 yard requirement for such yard in the zoning district in which it is located, and (ii) if all of the side yards that are provided for the pre-code structure do not comply with all of the applicable side yard requirements, including any minimum total side yard 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 R2, R3 and R4 Districts and 27 feet in the R5 District; and
 - (b) Side yard horizontal extensions. Any portion of a pre-code structure that is nonconforming with respect to a required side yard may be altered or enlarged by extending horizontally between the required front and rear yard 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 yard requirement for such yard in the zoning district in which it is located, and (ii) if all of the side yards that are provided for the pre-code structure do not comply with all of the applicable side yard requirements, including any minimum total side yard 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 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 yard 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 _____.
- 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.

10-106: NONCONFORMING SIGNS

- A. 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 and in Subsections D and E of Section 10-101.
- B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement of non-bearing sign elements and electrical wiring and fixtures may be performed on any sign; provided, however, that 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 Subsection B shall not be deemed to have authority over any violation of Subsections C through F of this Section.

- C. 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.
- D. Change of Sign. A nonconforming sign that has been changed to eliminate its nonconformity, or any element of its nonconformity, shall not thereafter be changed to restore such nonconformity or nonconforming element.
- E. 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.
- F. Termination of Certain Signs.
 - 1. 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:
 - (a) Attention-getting devices
 - (b) Moving or animated signs, except public service signs when expressly permitted by Section 9-106 of this Code.
 - (c) Portable signs.
 - (d) Temporary signs, except as expressly permitted by Section 9-106 of this Code.
 - (e) Any sign that advertises, identifies or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located.
 - (f) Any sign on a tree or utility pole, whether on public or private property.
 - (g) Any sign on public property, except governmental signs authorized in Section 9-106 of this Code.
 - (h) Any sign that violates any provision or requirement of Paragraphs 9-106 D1 through 9-106 D4 or 9-106 D6 through 9-106 D11 of this Code.
 - (i) Any sign constructed or erected without a valid permit.

2. Termination by Abandonment. Any nonconforming sign the use of which is discontinued for a period of thirty (30) consecutive days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not thereafter be re-established or resumed. Every such sign shall be immediately removed or brought into conformity with the provisions of this Code.

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 the purposes of this paragraph.

3. 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.
4. Termination by Amortization. Any nonconforming sign, or any nonconforming element of a sign capable of change or discontinuance separate from other elements of the sign, that has not been terminated pursuant to any other provision of this Code shall be terminated no later than the date provided in the following schedule:

<u>Original Value of Sign or Sign Element, as Shown on, or Estimated From, Building Permit</u>	<u>Removal Required Within Stated Period After Effective Date of This Code</u>
Less than \$1,000	1 year
\$1,001 to \$3,000	2 years
\$3,001 to \$5,000	3 years
\$5,001 to \$7,000	4 years
More than \$7,000	5 years

Where no original value can be established, the Community Development Director's estimate of current depreciated replacement cost shall be used.

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 11-401 and 11-402 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 11-501 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 11-604 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 11-604 C(1).
- K. Planned Development and Site Plan Modifications. Pursuant to the provisions of Paragraph 11-603 K(1) and Subsection 11-604 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 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 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 _____ 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 _____ of the Oak Forest Municipal Code. Reference should be made to _____ 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 Title 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 Staff Secretary; 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 11-502 of this Article, to hear and decide appeals from, and to review orders, decisions or determinations made by the City Administrator and to that end shall have the powers of the City Administrator with respect to such order, decision or determination.
 - 2. Subject to the provisions of Section 11-503 of this Article, to grant or deny variations from the requirements of this Code.
 - 3. Subject to the provision of Section 11-601 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 Staff Secretary; 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 hear, review and offer its recommendations to the City Council on applications for variations requested pursuant to Paragraph 11-503 D4 of this Article.
4. To hear, review and offer its recommendations to the City Council on applications for variations requested pursuant to Paragraph 11-504 D4 of this Article.
5. To initiate, hear, review and offer its recommendations to the City Council on applications for amendment of this Code.
6. To hear, review and offer its recommendations to the City Council on applications for special permits.
7. To hear, review and offer its recommendations to the City Council on applications for planned development approval.
8. To hear, review and offer its recommendations to the City Council on applications for site plan approval in those cases specified in Paragraph 11-604 E2.

9. 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.
10. 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 11-103 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 11-20311-203 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 11-301 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 adopts ad 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 11-401 of this Article, a Certificate of Occupancy pursuant to Section 11-402 of this Article, an interpretation pursuant to Section 11-501 of this Article, and a site plan approval pursuant to Subsection 11-604 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. Applications for Appeals and Variations. All applications for an appeal pursuant to Section 11-502 of this Article and a variation pursuant to Section 11-503 of this Article shall be filed with the office of the Community Development Director for immediate processing pursuant to Subsection 11-203 C1 of this Article.
3. Applications for Amendments, Special Approvals and Certain Site Plan Approvals. All preliminary and formal applications for an amendment pursuant to Section 11-601 of this Article, a special permit pursuant to Section 11-602 of this Article, a planned development pursuant to Section 11-603 of this Article and a site plan approval pursuant to Subsection 11-604 E2 of this Article, shall be filed with the office of the Community Development Director for immediate referral to the City Council. The Community Development Director shall cause every properly filed and completed application filed pursuant to this Subparagraph to be on the agenda of the next regular City Council or Committee of the Whole meeting following the date of such filing.

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, be cause 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. Fee Payment and Escrow.

- (a) Initial Payment and Escrow. Every application filed pursuant to this Code shall be accompanied by the required fee plus an additional amount for recoverable costs as provided in Paragraph D2 above, as fixed from time to time by administrative order of the Community Development Director, to be deposited in an application fee escrow. No interest shall be payable on any such escrow.
- (b) Charges Against Escrow. From the date of filing of any application pursuant to this Code, the City shall maintain an accurate record of the actual costs, as hereinabove defined, of processing such application. The Community Development Director shall, from time to time, draw funds from the escrow account established for such application to pay such costs and shall transfer such funds to the appropriate City accounts. The Director shall maintain an accurate record of all such drawings.
- (c) Additional Escrow Deposits. Should the Community Development Director at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Director shall inform the applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the applicant, the Community Development Director may direct that processing of the application shall be suspended or terminated.
- (d) Final Settlement. As soon as reasonably feasible following final action on an application, the Community Development Director shall cause a final accounting to be made of the escrow deposits made in connection with such application and the actual cost of processing such application and shall make a final charge of such costs against such escrow deposits. A copy of the accounting shall be provided to the owner and the applicant.

If the amount in the escrow account is insufficient to pay the total actual costs, a written demand for payment of the balance due shall be mailed to the owner and the applicant. If unused balance remains in the escrow account after paying the total actual costs, it shall be returned to the applicant.

4. 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.

5. Specified Public Bodies Exempt. The provisions of this Subsection 11-301 D shall not apply to, and no fee shall be required of, any public body or agency deriving the majority of its revenues from taxes levied within the City of Oak Forest.

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 11-401 or 11-402 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 yard 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 11-501 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 11-502 of this Code shall, 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 11-503 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 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 11-503 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 application filed pursuant to Paragraph 11-201 E2 or formal applications filed pursuant to Paragraph 11-601 D2 of this Code requesting an amendment to the text of either the Official Comprehensive Plan or 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 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 Permits. Every application filed pursuant to Paragraph 11-602 D2 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) 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 11-604 of this Article.
8. Applications for Zoning or Official Comprehensive Plan Map Amendments. Every application filed pursuant to Paragraph 11-301 E3 or formal applications filed pursuant to Paragraph 11-601 D2 of this Code requesting an amendment to the Official Comprehensive Plan Map or the Zoning Map shall, 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 Paragraph 11-603 D2 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) 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 copy of an application for a Natural Resource Assessment to the North Cook County Soil and Water Conservation District if the subject property is two acres or larger.
 - (j) 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.
 - (k) Schematic, soft-line architectural elevations indicating the general style of architecture and typical building materials.
 - (l) 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.
 - (m) 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.
 - (n) 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.
 - (o) 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.
 - (p) A preliminary plat of subdivision if required pursuant to the Oak Forest Subdivision Ordinance.
10. Application for Planned Development Final Plan Approval. Every application filed pursuant to Paragraph 11-603 D4 of this Article shall, 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) An application for site plan approval pursuant to Section 11-604 of this Article.
 - (c) A statement and plan of the proposed treatment of the perimeter of the proposed planned development, including materials and techniques to be used.

- (d) 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.
 - (e) Copies of any restrictive covenants to be recorded with respect to property included in the Final Plan.
 - (f) 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.
 - (g) A final plat of subdivision if required pursuant to the Oak Forest Subdivision Ordinance.
 - (h) All engineering data and drawings required in connection with an application for final subdivision approval under the Oak Forest Subdivision Ordinance (3 sets only).
 - (i) All certificates, seals and signatures required for the dedication of land and recordation of documents.
 - (j) Hard line elevations and floor plans
 - (k) 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.
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 11-604 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 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 yard or 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 yard and setback dimensions and, where relevant, relation of yard and 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.

12. Applications for Appeal from Denial of Site Plan Approval. Every application filed pursuant to Subparagraph 11-604 E(1)(d) shall, 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.

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 Section 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) (3) 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 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, 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 Permits. In addition to notice as required by Subparagraph B3(a) above, notice of a hearing for the renewal of a special permit pursuant to Subsection 11-602 K of this Code shall be given in accordance with Subparagraphs 11-203 B3(b) (1), (3), (4) and (5); provided, however, that the notice by mail requirement in Subparagraph 11-203 B3(b)(3) shall be satisfied by U.S. Mail, first class pre-paid, instead of certified mail.
 - (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 11-502 of this Article and for a variation pursuant to Section 11-503 of this Article, unless pursuant to Paragraph 11-503 D4 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 Staff Secretary of the Zoning Board of Appeals.

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 Approvals.

- (a) Director to Refer Applications. Following receipt from the City Council of an application for a variation pursuant to Paragraph 11-503 D4 of this Article, an amendment pursuant to Section 11-601 of this Article, a special permit pursuant to Section 11-602 of this Article and a planned development pursuant to Section 11-603 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 Staff Secretary of the Plan Commission.

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 Staff Secretary of the hearing body 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. Relation to Other Applications. No application for a zoning variation, formal application for a special permit, formal application for an amendment or formal application for approval of a development Concept Plan shall be processed unless an application for a Certificate of Zoning Compliance shall first have been received, processed and approved, or denied solely on one or more grounds that form the basis for the application filed pursuant to said Part III. It is the intent of this Section that no application filed pursuant to Part III of this Article with respect to a specific use or development proposal shall be processed until the Community Development Director is satisfied that the proposed use or development complies with the provisions of this Code in all respects except those within the scope of such application.

E. Procedure.

1. Application. Applications for Certificates of Zoning Compliance shall be filed in accordance with the requirements of Section 11-301 E2 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.
- F. 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.
- G. 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.
- H. 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.

11-302: CERTIFICATE OF OCCUPANCY

- A. Authority. The Community Development Director shall have authority to issue Certificates of Occupancy; provided, however, that no such certificate shall be issued except in accordance with the provisions of this Section and the provisions of the Oak Forest Municipal Code governing development, building and related matters.
- B. Purpose. For the purposes of this Code, the Certificate of Occupancy provides a procedure for the inspection of completed premises to ensure their compliance with this Code and approved plans prior to commencement of the use or occupancy of such

premises. The Certificate may also evidence compliance with other provisions of the Oak Forest Municipal Code, as set forth in those provisions.

C. Certificate Required. Unless a Certificate of Occupancy shall have first been obtained certifying compliance with the provisions of this Code:

1. No structure, or addition thereto, constructed, reconstructed, remodeled, altered or moved after the effective date of this Code shall be occupied or used for any purpose;
2. No land vacant as of the effective date of this Code shall be used or occupied for any purpose, except the raising of crops;
3. Except for changes involving only substitution of occupants in existing dwelling units, no use or occupancy of any land or structure shall be changed to any other use or occupancy, whether or not construction, remodeling, alteration or moving is involved.

D. Procedure.

1. Application. Where no Certificate of Zoning Compliance is required, applications for Certificates of Occupancy shall be filed in accordance with the requirements of Section 11-301 of this Article.

Where a Certificate of Zoning Compliance has been issued, the application for that Certificate shall also be treated as the application for a Certificate of Occupancy and shall be processed as such at such time as the applicant notifies the Community Development Director in writing that the subject structure or use is ready for a Certificate of Occupancy in accordance with the Certificate of Zoning Compliance.

In any case where the structure or use involved has been constructed or established pursuant to any approval granted pursuant to this Code, the application shall be accompanied by “as built” plans depicting the structure or use as built and bearing the certificate of a surveyor, engineer, architect, land planner or owner-designer, as may be appropriate, certifying that the structure or use as built conforms in all respects to the approval granted.

2. Action on Application. Within ten (10) days following the receipt of a completed application, the Community Development Director shall cause the subject structure or premises to be inspected and shall take on the following actions based on such inspection:
 - (a) If all work has been completed and the structure and use thereof are in full and complete compliance with all applicable provisions of this Code, other relevant codes and ordinances of the City, the applicant’s plans as approved and any conditions attached to any approval issued pursuant to this Code, the Community Development Director shall issue a Certificate of Occupancy;

- (b) If, however, all work is not complete or is in any manner not in full compliance with all applicable requirements, the Community Development Director shall deny the application and shall inform the applicant in writing of the specific deficiencies on which such denial is based, citing the particular provisions of the codes and ordinances of the City, the particular items in the applicant's plans or the applicable special approval conditions with respect to which compliance is lacking.
3. Contents of Certificates. In addition to the matters required to be contained in a Certificate of Occupancy pursuant to other applicable provisions of the Oak Forest Municipal Code, each Certificate of Occupancy 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 pursuant to the provisions of the Illinois Freedom of Information Act.
- E. Temporary Certificate of Occupancy. Notwithstanding the provisions of Paragraph D2 above, where construction, reconstruction, remodeling or alteration of a structure does not require the vacating of the structure, or where parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, remodeling or alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this Code, other relevant codes and ordinances of the City, the applicant's plans as approved and any conditions attached to any approvals issued pursuant to this Code with respect to such structure or its premises, a Temporary Certificate of Occupancy may be issued for a period not to exceed six (6) months from its date, which Temporary Certificate shall bear on its face, in bold type, a statement of its temporary nature; provided, however, that no such temporary certificate shall be issued pursuant to this Code unless said structure also qualifies for a Temporary Certificate of Occupancy issued pursuant to the Oak Forest Building Code.
- F. Certificate of Occupancy for Existing Uses. The Community Development Director may issue a Certificate of Occupancy certifying the lawful existence and use of any existing structure or use in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses. Such Certificate shall be prima facie evidence of the facts contained in it with respect to any structure or use as of the date of its issue and remain effective for that purpose for so long as neither the use or structure nor the applicable provisions of this Code are changed.
- G. Certificate of Occupancy for Legal Nonconformities. The Community Development Director may issue a Certificate of Occupancy certifying the lawful existence and use of any nonconforming use, structure, lot or sign in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses and subject also to the additional standards and limitations set forth in Paragraph 10-101 E3 of this Code.

H. Void Certificates. Any Certificate of Occupancy 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 City Administrator 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 City Administrator 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 11-502 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 permit for such use pursuant to Section 11-602 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 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 11-604 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 11-301 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 C 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 11-503 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 11-503.
- 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, and, in the cases specified in Paragraph D4 of this Section, the City Council, shall have the authority to grant variations from the provisions of this Code, but only in compliance with the procedures set forth in Subsection D of this Section and in those specific instances enumerated in Subsection E of this Section and then only in accordance with each of the standards enumerated in Subsection F 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 Section 11-301 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. Within 35 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 C of this Article.

The failure of the Planning and Zoning Commission to act within 35 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the variation.

4. 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 (2010) 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 made at the time of the filing of the applicant's preliminary application, be reserved to the City Council. Whenever any application for a variation requires final approval by the City Council, the authority to hear and 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. Authorized Variations.

1. Permitted Variations. Subject to the prohibitions set forth in Paragraph E2 below, and subject to the other provisions of this Section, the Planning and Zoning Commission may vary the provisions of this Code in the following cases and in no others; provided, however, that only the City Council may vary the provisions of this Code as provided in Subparagraphs E1(j), E1(n) and E1(q) below:
 - (a) To reduce the dimension of any required yard or 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 yard 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 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 lot or lots for which the variation is sought are the result of a proposed subdivision that includes one or more existing nonconforming lots of record;
 - (ii) The application for a proposed subdivision is submitted concurrently with the application for variation;
 - (iii) The width of the lot or lots for which the variation is sought is not less than 75 percent of the required width;
 - (iv) The area of the lots for which a variation is sought is not less than 115% of the required lot area;
 - (v) The creation of new lots does not increase the degree of nonconformity as to width that exists in the existing nonconforming lot or lots at the time of application; and
 - (vi) The number of lots for which the variation is sought does not exceed either the number of nonconforming lots to be subdivided for the proposed subdivision or thirty percent (30%) of the total number of lots created by the proposed subdivision, whichever is less.

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

- (k) 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 Single Family 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.

- (l) To reduce the bulk, yard, 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, yard, setback or space requirements of the district in which said zoning lot is located.

- (m) 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.

- (n) To permit a reduction of the required lot width for property that is annexed to the City pursuant to an annexation agreement that is duly authorized by the Corporate Authorities in the manner required by the Illinois Municipal Code.

- (o) To increase the maximum height of an alteration to, or enlargement of, a principal single-family detached residential pre-code structure located in a single-family 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.

- (p) To reduce the minimum number of off-street parking spaces required to serve a new non-residential use within a structure located within a Special Parking Area in the Gateway Redevelopment Sub-Area.

2. Administrative Variations. A request to reduce the minimum front, side or rear yard setback requirement less than twelve (12) inches may be approved by the Community Development Director or his/her designee.
3. 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 11-503 El(j) 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 (2010), 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. Preliminary Consideration.
 - (a) Preliminary Application. A preliminary application for an amendment to this Code or the Zoning Map shall be filed in accordance with the requirements of Paragraph 11-301 E1 of this Article.
 - (b) Referral to Board. Every properly filed and completed preliminary application for an amendment to this Code or the Zoning Map shall, before being processed in any other manner, be referred to the City Council pursuant to Subsection 11-301 A3 of this Article.
 - (c) Action by Board. The City Council shall, not later than the first regular City Council meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.

The purpose of such review shall be to broadly acquaint the City Council with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the Board may have at a time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.

At the meeting at which the preliminary application is considered, any member of the City Council may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary

or appropriate by that member; provided, however, that no final or binding action shall be taken with respect to any preliminary application. Any views expressed in the course of the Board's review of any preliminary application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the City Council, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.

- (d) Specified Public Bodies Exempt. Amendments proposed by the City Council, Planning and Zoning Commission shall not be subject to the provisions of this Subsection.

2. Formal Consideration.

- (a) Formal Application. Subsequent to the City Council' review and consideration of the preliminary application, but in no event more than six months thereafter, a formal application for an amendment to this Code or the Zoning Map shall be filed in accordance with the requirements of Paragraphs 11-301 A3 and 11-301 E6 of this Article for a Code amendment and 11-301E8 of this Article for a map amendment. Except as expressly provided otherwise herein, no formal application for an amendment to this Code shall be filed unless the City Council shall have first reviewed a preliminary application for such amendment in accordance with Paragraph D1 of this Section.
- (b) Board Referral. Every properly filed and completed formal application for an amendment to this Code or the Zoning Map shall be referred by the City Council to the Community Development Director for further referral in accordance with Paragraph 11-203 C2 of this Article. The failure of the City Council to act on a properly filed and completed formal application within 30 days of the Board's receipt thereof shall be deemed to be a decision to refer the application pursuant to this Subparagraph.
- (c) Public Hearing. In any case where a formal application for an amendment to this Code or the Zoning Map is referred by the City Council pursuant to Subparagraph D-2(b) of this Section, a public hearing shall be set, noticed, and conducted by the Planning and Zoning Commission in accordance with Section 11-203 of the Article.
- (d) 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 11-103 C of this Article.
- (e) 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 approval of the proposed amendment as submitted.

(f) 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.

(g) 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 factors that Paragraph 11-301 E8 requires the applicant to address.

11-502: SPECIAL 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 permits authorizing the development of uses listed as special permit uses in the regulations applicable to the district in which the subject property is located.

B. Purpose. Special permit 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 Permits. An application for a special permit may be filed by the owner of, or any person having a contractual interest in, the subject property.

D. Procedure.

1. Preliminary Consideration.

- (a) Preliminary Application. A preliminary application for a special permit shall be filed in accordance with the requirements of subsection 11-301 E1 of this Article.
- (b) Referral to Board. Every properly filed and completed preliminary application for a special permit shall, before being processed in any other manner, be referred to the City Council pursuant to Subsection 11-301 A3 of this Article.
- (c) Action by Board. The City Council shall, not later than the first regular City Council meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.
- (d) The purpose of such review shall be to broadly acquaint the City Council with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the Board may have at a time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.
- (e) At the meeting at which the preliminary application is considered, any member of the City Council may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no final or binding action shall be taken with respect to any preliminary application. Any views expressed in the course of the Board's review of any preliminary application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the City Council, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.
- (f) Specified Public Bodies Exempt. Special permits proposed by the City Council, Planning and Zoning Commission shall not be subject to the provisions of this Subsection.

2. Formal Consideration.

- (a) Formal Application. Subsequent to the City Council' review and consideration of the preliminary application, but in no event more than six months thereafter, a formal application for a special permit shall be filed in accordance with the requirements of Paragraphs 11-301 A3 and 11-301 E7 of this Article. Except as expressly provided otherwise herein, no formal application for a special permit shall be filed unless the City

Council shall have first reviewed a preliminary application for such special permit in accordance with Paragraph D-1 of this Section.

- (b) Board Referral. Every properly filed and completed formal application for a special permit shall be referred by the City Council to the Community Development Director for further referral in accordance with Paragraph 11-203 C2 of this Article. The failure of the City Council to act on a properly filed and completed application within 30 days of the Board's receipt thereof shall be deemed to be a decision to refer the application pursuant to this Subparagraph.
- (c) Public Hearing. In any case where a formal application for a special use permit is referred by the City Council pursuant to Subparagraph D-2(b) of this Section, a public hearing shall be set, noticed and conducted by the Planning and Zoning Commission in accordance with Section 11-203 of this Article.
- (d) 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 11-103 C of this Article, recommending either granting the application for a special 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 approval of the proposed special permit.

- (e) 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 permit, with or without modifications or conditions; provided, however, that in the event a duly signed and acknowledged protest against the proposed special 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 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 Permits.

- 1. General Standards. No special 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 Permit Uses. Where the district regulations authorizing any special permit 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 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 permit, conditions and limitations upon the premises benefited by a special 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 permit.
3. Periodic Review. The Planning and Zoning Commission may recommend, and the City Council may impose, a requirement that the special permit be publicly reviewed periodically pursuant to and in accordance with such procedures as are set forth in the ordinance granting the special 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 Permit. Because of the unique operational nature, and potential unknown adverse impacts, of certain special permit uses, the Planning and Zoning Commission may recommend, and the City Council may impose, a term

limitation on the duration of certain special permit uses. Such term limitation shall (a) be set forth in the ordinance granting the special permit and (b) shall be subject to renewal in accordance with Subsection 11-502 K of this Code.

- G. Affidavit of Compliance With Conditions. Whenever any special 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 Permit. The granting of a special 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 Permits. Subject to an extension of time granted by the Community Development Director pursuant to Subsection 11-101 L of this Article, no special 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 commended within that period. A special 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 six (6) consecutive months or more. Except when otherwise provided in the Ordinance granting a special permit, a special 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.
- J. Amendments to Special Permits. A special permit may be amended, varied or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section 11-502 for its original approval.
- K. Renewal of Special Permits. The City Council may, in accordance with the procedures and standards set out in this Subsection, consider requests for renewal of special permits. An application for the renewal of a special permit must be filed by the party to whom a special 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 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 permit was originally approved have not materially changed, then the City Council shall, by ordinance duly adopted, renew the special permit for the same period of

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

- (a) Preliminary Application. A preliminary application for a special permit to permit a planned development shall be filed in accordance with the requirements of Subsection 11-301 E1 of this Article.
- (b) Referral to Board. Every properly filed and completed preliminary application for a special permit to permit a planned development shall, before being processed in any other manner, be referred to the City Council pursuant to Subsection 11-301 A3 of this Article.
- (c) Action by Board. The City Council shall, not later than the first regular City Council meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.

The purpose of such review shall be to broadly acquaint the City Council with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the Board may have at a time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.

At the meeting at which the preliminary application is considered, any member of the City Council may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no final or binding action shall be taken with respect to any preliminary application. Any views expressed in the course of the Board's review of any preliminary application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the City Council, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.

2. 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. Subsequent to the City Council's review and consideration of the preliminary application, but in no event more than six months thereafter, a formal application for approval of a Development Concept Plan shall be filed in accordance with the requirements of Paragraphs 11-301 A3 and 11-301 E9 of this Article. No application for approval of a Development Concept Plan shall be filed unless the City Council shall have first reviewed a preliminary application for a special permit to permit a planned development in accordance with Paragraph D1 of this Section.
- (c) Board Referral. Every properly filed and completed application for approval of a Development Concept Plan shall be referred by the City Council to the Community Development Director for further referral in accordance with Paragraph 11-203 C2 of this Article. The failure of the City Council to act on a properly filed and completed application within thirty (30) days of the Board's 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 City Council pursuant to Subparagraph D2 of this Section, 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 11-103 C 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 approval 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 Planning and Zoning Commission for processing of the Final Plan in accordance with Paragraph D4 of this Section.
- (g) 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.
- (h) 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 plant of the proposed subdivision shall be carried out simultaneously with review of the Development Concept Plan.

3. Optional 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 D4 below 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 D4 below.

4. 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 in accordance with the requirements of Paragraph 11-301 E10 of this Article. The application shall refine, implement and be in substantial conformity with the approved Development Concept Plan.

- (c) 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.
- (d) 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.
- (e) 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.
- (f) Action by Plan 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 11-103 C 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 11-103 C 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 D4(f)(1) 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 approve the Final Plan as submitted.

(g) 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(e)(2) 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(e)(3) 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 Plan Commission. In any case other than that specified in Subparagraph D3(f)(1) above, 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.

(h) 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.

(i) 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 permit for all portions of the Planned Development that have not yet been completed.

(j) 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 Permit Standards. No special 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 permit uses pursuant to Subsection 11-602 of this Article.

2. Additional Standards for All Planned Developments. No special 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 yard 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 setbacks, yards and 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 K 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 Completion of Development. After 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 11-603 for approval of the planned development.

11-504: SITE PLAN REVIEW

A. Authority. Except in the cases of uses and developments requiring a special 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 permit pursuant to Section 11-602 or Section 11-603 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 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 11-301 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 11-301 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 City Council, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, may grant Design Review Permit approval; provided, however, that 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 Design Review Permit process is intended to provide a procedure for the review of plans to ensure that the use and development requiring design review approval will comply with standards established to preserve the integrity of areas and structures which have been determined to merit special protection.

C. Parties Entitled to Seek Design Review Permits. An application for a Design Review Permit may be filed by the owner of, or any person having a contractual interest in, the subject property.

D. Procedure.

1. Application. Applications for a Design Review Permits shall be filed in accordance with the requirements of Section 11-301 of this Code. Applications will be forwarded to the Planning and Zoning Commission for special use permit, variation and construction approvals.

2. Other approvals required prior to approval. In any case where the proposed work requires the issuance of a special use permit, variation, or other approval, no Design Review Permit shall be granted unless and until such special use permit, variation, or other approval has been issued. The issuance of any such other approval shall not be deemed to establish any right to the issuance of a Design Review Permit.

3. Public meeting. A public meeting shall be conducted by the Planning and Zoning Commission and the City Council.

4. Action by Planning and Zoning Commission. Within 35 days following the conclusion of the public meeting provided in Subsection E3 of this Section, the Planning and Zoning Commission, shall, in writing, recommend to the City Council to grant the Design Review Permit without modification, grant the Design Review Permit with modifications or subject to conditions, or deny the Design Review Permit. In reaching its recommendation, the Planning and Zoning Commission, whichever is applicable, shall be guided by the particular standards and considerations set forth in Subsection E of this Section. 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 recommendation to deny the Design Review Permit.
5. Action by City Council. Within 35 days after receiving the recommendation of the Plan Planning and Zoning Commission, or if the Planning and Zoning Commission fails to act within 35 days following the conclusion of the public meeting provided in Subsection E3 of this Section, within seventy (70) days following the conclusion of such public meeting, the City Council shall, by ordinance duly adopted, grant the Design Review Permit without modification, grant the Design Review Permit with modifications or subject to conditions, or deny the Design Review Permit. The failure of the City Council to act within the time limits set in this Subsection, or such longer period of time as may be agreed to by the applicant, shall be deemed a denial of the Design Review Permit. In reaching its decision, the City Council shall be guided by the particular standards and considerations set forth in Subsection E of this Section.
6. Issuance of certificate. If a Design Review Permit is granted pursuant to this Section, the Community Development Director, within seven days following the passage of the ordinance by the City Council pursuant to Subsection E5 of this Section, shall issue the Design Review Permit, noting thereon any modifications or conditions imposed by the City Council. Each 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.**

- E. Standards and Considerations for Design Review Permit. In passing upon applications for Design Review Permits, the Planning and Zoning Commission and the City Council, as the case may be, shall consider and evaluate the property of issuing the Design Review Permit all in as expeditious as manner as possible. In addition, the Planning and Zoning Commission and the City Council, as the case may be, shall be guided by the following standards and considerations:
 1. General Building Design and Relation to Street and Pedestrians: All building designs shall be evaluated under the following guidelines, as well as the way in which the design relates to the street on which the subject building is, or is proposed to be, located:

- (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) Roof-lines: Roof-lines shall be designed to generate visual interest.
 - (c) Façade: Architectural details in building facades shall provide visual interest and be generally compatible with surrounding buildings and properties.
 - (d) Proportion of openings: The size and number of openings (windows, doors, etc.) shall be proportionate to the overall façade.
 - (e) Rhythm of entrance porch and other projections: The scale of entrances and other projections shall be designed to relate proportionately to sidewalks and pedestrians.
 - (f) 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.
2. Visual compatibility. Visual compatibility shall be considered and reviewed in terms of the following guidelines.
- (a) Height. The height of proposed buildings and structures as it relates to adjacent buildings.
 - (b) Materials. The quality of materials and their relationship to those in existing adjacent structures.
 - (c) Proportion of front façade. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
 - (d) Proportion of openings. The relationship of the width to the height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
 - (e) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front façade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
 - (f) Rhythm of spacing and buildings on streets. The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
 - (g) 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.

- (h) Roof shapes. The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
 - (i) 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.
 - (j) Scale of building. The size and mass of building and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.
3. Overall Site Design and Landscaping. The overall site design shall be reviewed in terms of the quality of the following elements:
- (a) 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.
 - (b) Lighting: Exterior lighting shall be architecturally integrated with building style, material and color, and shall not be directed off site.
 - (c) 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.
4. Special considerations for existing buildings. For existing buildings, the Planning and Zoning Commission and the City Council shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.
5. 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 nor the Planning and Zoning Commission or the City Council with respect to any specific case.
6. Design criteria for signs.
- (a) Visual compatibility. The proposed sign shall be visually compatible with the building on which the sign is proposed to be located, as well as with

surrounding buildings and structures in terms of height, size, proportion, scale, materials, texture, colors, and shapes.

- (b) Quality of design and construction. The propose sign shall be constructed and maintained with a design and materials of high quality and good relationship with the design and character of the neighborhood.
- (c) Appropriateness to activity. The proposed sign shall be appropriate to, and necessary for, the activity to which it pertains.
- (d) Appropriateness to site. The proposed sign shall be appropriate to its location in terms of design, size, landscaping, and orientation on the site, 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.

F. Modifications and Conditions. In approving an application for a Design Review Permit, the City Council may, by resolution duly adopted, authorize the issuance of the Design Review Permit for plans as submitted, or on condition that specified modifications in such plans be made, or on any other condition deemed necessary to achieving the purposes and objectives of this Section. Such conditions and modifications shall be set forth in the resolution granting approval and in the Design Review Permit. The violation of any such condition or modification shall be a violation of this Code.

G. 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.

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. Special Prohibition -- Multiple Principal Structures on Same Zoning Lot. No zoning lot in the City of Oak Forest shall be used for more than one principal structure except when authorized as part of a planned development approved pursuant to Section 11-603 of this Code or as a special permit in, non-residential zoning districts pursuant to Section 11-602 of this Code; or when one or more of the principal structures is a personal wireless services antenna, with or without antenna support structures, and related electronic equipment and equipment structures which is authorized as a permitted or special permit use pursuant to the applicable District regulations of this Code. No structural group containing two or more upward projections shall be considered a single structure unless all such upward projections are joined by an element that:
1. Is at least half as high as the tallest upward projection; and
 2. Is something other than a fence, canopy, freestanding wall or other non-functional connection.
- E. 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.

F. 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.

G. 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 Ordinance 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 enjoyed, asserted, enforced, prosecuted or inflicted, as fully and 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
2-401 <u>B</u>	Subsection
2-401 <u>B3</u>	Paragraph
2-401B3(<u>a</u>)	Subparagraph
B3(a)(<u>2</u>)	Subparagraph
B3(a)(2)(<u>iii</u>)	Subparagraph

12-206: DEFINITIONS

A. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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. See Section 9-101 of this Code.

ADJACENT. To lie near, close to, or in the vicinity.

ADVERTISING SIGN. See Subsection 9-106 E of this Code.

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.

ANIMATED OR MOVING SIGN. See Subsection 9-106 E of this 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 DEVICE. See Subsection 9-106 E of this Code.

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 upholstery; 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 SIGN. See Subsection 9-106 E of this Code.

B. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

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 yard requirements.

BULLETIN BOARD SIGN. See Subsection 9-106 E of this Code.

BUSINESS SIGN. See Subsection 9-106 E of this Code.

C. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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, columbariums, 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:

1. Error in physical data or mathematical model;
2. Changed conditions;
3. Public flood control projects; or
4. 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, and that does not serve as an alternative to incarceration for a criminal offense, persons whose primary reason for placement is substance or alcohol abuse or persons 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 or physical impairments or a combination thereof;
2. Likely to continue for a significant amount of time or indefinitely;
3. That results in functional limitations in three or more of the following areas of major life activities: self-care, receptive or expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and
4. That reflects a person's need for a combination and sequence of interdisciplinary or generic care, treatment 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.

CONSTRUCTION SIGN. See Subsection 9-1 of this Code.

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.

D. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

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.

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.

E. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

ELEVATION CERTIFICATE. A form published by FEMA that is used to certify the elevation to which a building has been elevated.

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.

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.

F. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

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.

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.

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 SINGLE-FAMILY 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:

1. basement floors;
2. area devoted to off-street parking or loading, whether in attached or detached structures;
3. elevator shafts and stairwells at each floor;
4. floor spaces and shafts used for mechanical, electrical and plumbing equipment, except equipment located in a cellar or on the roof; and
5. penthouses;
6. interior balconies and mezzanines;
7. enclosed porches;
8. floor space used for accessory uses; and

9. 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 single-family 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. (Illust. #14)

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.

FRONT YARD. See Subsection 12-206 Y of this Section.

FRONT YARD LINE. See Subsection 12-206 Y 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.

G. When used in this Code, the following terms shall have the meanings herein ascribed to them:

GARAGE. A structure, or part thereof, designed or used for the parking and storage of vehicles at one or more levels.

GOVERNMENTAL SIGN. See Subsection 9-106 E of this Code.

GRADE. In all zoning districts other than single family 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 single family 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. See Subsection 9-106 E of this Code.

H. When used in this Code, the following terms shall have the meanings herein ascribed to them:

HEIGHT. In all zoning districts other than single family residential districts and the Residential and Limited 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 single family residential districts and the Residential and Limited Commercial District, the vertical distance measured from grade to the highest point of a structure. For the purposes of this definition in single family residential districts and the Residential and Limited 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.

HOLIDAY DECORATIONS. See Subsection 9-106 E of this Code.

HOME OCCUPATION. See Subsection 9-102 B of this Code.

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.

I. When used in this Code, the following terms shall have the meanings herein ascribed to them:

IDENTIFICATION SIGN. See Subsection 9-106 E of this Code.

IDNR/OWR. The Illinois Department of Natural Resources - Office of Water Resources or the successor to its responsibilities.

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 a Industrial District.

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.

INTERPRETATION. See Section 11-501 and Article XII, Part 2, of this Code.

INTERIOR LOT. See Subsection 12-206 L of this Section.

J. When used in this Code, the following term shall have the meaning herein ascribed to it:

JOINT IDENTIFICATION SIGN. See Subsection 9-106 of this Code.

K. [RESERVED FOR FUTURE USE]

L. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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 yards.

LOT, BUILDABLE WIDTH OF A. The width of a lot remaining as buildable after side yards and corner side yards 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 yard 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 yards 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 yard 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.

M. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

MARQUEE SIGN. See Subsection 9-106 E of this Code.

MEMORIAL SIGN. See Subsection 9-106 E of this Code.

MINIMUM LOT AREA. See Subsection 12-206 L of this Section.

MINOR AUTOMOBILE REPAIR. See Subsection 12-206 A of this Section.

MIXED RESIDENTIAL AND COMMERCIAL DISTRICT. The Multiple Family Residential and Commercial District and the Residential and Limited Commercial District as set forth in Section 2-101 of this Code.

MORE RESTRICTIVE DISTRICT. See Section 2-202 of this Code.

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 SIGN. See Subsection 9-106 E of this Code.

MULTIPLE FAMILY DWELLING. See Subsection 12-206 D of this Section.

MUNICIPAL CODE. The Oak Forest Municipal Code.

N. When used in this Code, the following terms shall have the meanings herein ascribed to them:

NAME PLATE SIGN. See Subsection 9-106 E of this 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.

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:

1. 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
2. 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.

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.

O. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

ON-SITE INFORMATIONAL SIGN. See Subsection 9-106 E 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 yards, that is:

1. 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;
2. Located at least five feet from any structure arranged and intended for use in conjunction with passive or active outdoor recreation or relaxation;
3. Landscaped, maintained or otherwise treated to create a setting appropriate to recreation or relaxation; and
4. 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.

P. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

POLITICAL SIGN. See Subsection 9-106 E of this Code.

PORTABLE SIGN. See Subsection 9-106 E of this Code.

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:

1. 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
2. Is located on a lot that does not, or is so located on a lot as not to, comply with the yard or setback requirements for the zoning district in which such building or structure is located; or
3. Both 1. and 2.; except
4. 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.

PRIVATE SALE SIGN. See Subsection 9-106 E of this Code.

PRIVATE WARNING SIGN. See Subsection 9-106 E of this Code.

PROJECTING SIGN. See Subsection 9-106 E of this Code.

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 RIGHT-OF-WAY OR PUBLIC WAY. See Subsection 12-206 R of this Section.

PYLON SIGN. See Subsection 9-106 E of this Code.

Q. [RESERVED FOR FUTURE USE]

R. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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 yards.

REAL ESTATE SIGN. See Subsection 9-106 E of this Code.

REAR LOT LINE. See Subsection 12-206 L of this Section.

REAR YARD. See Subsection 12-206 Y of this Section.

REAR YARD 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. Every vehicle or boat originally designed for living quarters, recreation or human habitation and not used as a commercial vehicle, including, but not limited to, the following:

1. Boat. Any vessel used for water travel. A boat mounted on a trailer shall be considered one vehicle.
2. Camper Trailer. A folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreational, seasonal, or vacation use.
3. Motorized Home. A temporary dwelling designed and constructed for travel, camping, recreational, seasonal, or vacation uses as an integral part of a self-propelled vehicle.
4. Off-the-Road Vehicle. A vehicle intended primarily for recreational use off of roads where state vehicle licenses are required, such as a dune buggy, go-cart or snowmobile.
5. Racing Car or Cycle. A vehicle intended to be used in racing competition, such as a race car, stock car or racing cycle.
6. Travel Trailer. A vehicle without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses.
7. Truck Camper. A structure designed primarily to be mounted on a pickup or single truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses. When mounted on a truck, such a structure and the truck shall together be considered one vehicle.
8. Van. A general term applied to a noncommercial motor vehicle licensed by the State of Illinois as a Recreational Vehicle.
9. Vehicle Trailer. A vehicle without its own motive power that is designed to transport another vehicle, such as a boat, motorcycle or snowmobile for

recreational or vacation use and that is eligible to be licensed or registered and insured for highway use. A vehicle trailer with another vehicle mounted on it shall be considered one vehicle.

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.

ROOF SIGN. See Subsection 9-106 E of this Code.

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.

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.

S. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

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 Councilmay, 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.

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.

SIDE YARD. See Subsection 12-206 Y of this Section.

SIDE YARD LINE. See Subsection 12-206 Y 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. For definitions of particular functional and structural types of signs, see Subsection 9-106 E of this Code.

SIGN, NONCONFORMING. Any sign that fails to conform to the regulations of Section 9-106 of this Code.

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.

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.

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.

T. When used in this Code, the following terms shall have the meanings herein ascribed to them:

TEMPORARY SIGN. See Subsection 9-106 E of this Code.

TEMPORARY USES. See Section 9-103 of this Code.

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.

TRANSITIONAL SERVICE FACILITY. An authorized and licensed dwelling operated by a public or private agency duly authorized and licensed by any state agency having authority to license and approve said facility that houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in the community and that provides continuous professional guidance.

TRANSITIONAL SERVICE FACILITY RESIDENT. A person receiving care or treatment at a transitional service facility.

TWO FAMILY DWELLING. See Subsection 12-206 D, "Dwelling, Two Family."

U. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

V. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

W. When used in this Code, the following terms shall have the meanings herein ascribed to them:

WALL SIGN. See Subsection 9-106 E of this Code.

WAREHOUSE, AUTOMATED. See Subsection 12-206 A, "Automated Warehouse."

WARNING SIGN. See Subsection 9-106 E of this Code.

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 SIGN. See Subsection 9-106 E of this Code.

X. [RESERVED FOR FUTURE USE]

Y. When used in this Code, the following terms shall have the meanings herein ascribed to them:

YARD. A required open space on a lot between a lot line and a yard line that is unoccupied and unobstructed from grade to the sky.

YARD, CORNER SIDE. A yard extending from the front yard line to the rear lot line between the corner side lot line of the lot and the corner side yard line.

YARD, FRONT. A yard extending across the entire front of a lot between the front lot line of the lot and the front yard line.

YARD LINE, CORNER SIDE. A line drawn parallel to a side lot line abutting a street right-of-way at a distance therefrom equal to the depth of the required corner side yard.

YARD LINE, FRONT. A line drawn parallel to a front lot line at a distance therefrom equal to the depth of the required front yard.

YARD LINE, REAR. A line drawn parallel to a rear lot line at a distance therefrom equal to the depth of the required rear yard.

YARD LINE, SIDE. A line drawn parallel to a side lot line at a distance therefrom equal to the depth of the required side yard.

YARD, PERIMETER. A yard within, and abutting the boundary of, a planned development.

YARD, REAR. A yard extending along the full length of the rear lot line between the side lot lines, except that in the case of a corner lot the rear yard shall extend from the inner side lot line to the corner side yard line.

YARD REQUIRED. The minimum yard depth designated in the regulations of this Code establishing minimum front, corner side, side and rear yard requirements for various uses, structures and districts.

YARD, SIDE. A yard extending along a side lot line from the front yard to the rear yard between the side lot line and the side yard line.

Z. When used in this Code, the following terms shall have the meanings herein ascribed to them:

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.

NAICS Code	Uses	Residential Districts						Commercial Districts				Ind Dist	Off Dist	GRD	OS	IB
		R1	R2	R3	R4	R5	R6	C1	C2	C3	159 th St. C.O.D.	I1*	O1			
Accommodations																
721110	Hotels, except casino hotels							S	S	S		S				
-	Hotel, Extended Stay							S	S	S		S				
721110	Motel							S	S	S		S				
-	Motel, Extended Stay							S	S	S		S				
Arts, Entertainment and Recreation																
711410	Agents and Managers for Artists, Athletes, Entertainers, and other Public Figures							P	P	P			P	P		
115210	Boarding Horses															
71395	Bowling Centers							S	S	S						
713940	Fitness and Recreational Sports Centers, excluding outdoor Swimming Pools and Wave Pools							P	P	P					P	
713910	Golf Courses and Country Clubs														P	
713990	Golf Courses, Miniature							S	S	S					P	
713990	Horseback Riding Recreational														S	
713990	All Other Indoor Amusement & Recreation Industries (Indoor)								S							
711310	Horseshow Organizers with Facilities															
711320	Promoters of Performing Arts, Sports, and similar events without facilities							P	P	P			P			
115210	Training Horses															
713120	Video Game Arcades (excluding gambling)							P	P	P				P		
Administrative and Support and Waste Management and Remediation Services																
561599	All Other Travel Arrangement and Reservation Services							P	P	P			P	P		
561450	Credit Bureaus							P	P	P			P	P		
561439	Document Duplicating Services							P	P	P		P	P	P		
561410	Document Preparation Services							P	P	P		P	P	P		
5613	Employment Services							P	P	P			P	P		

561622	Locksmiths								P	P	P		P	P	P		
NAICS Code	Uses	Residential Districts						Commercial Districts				Ind Dist	Off Dist	GRD	OS	IB	
		R1	R2	R3	R4	R5	R6	C1	C2	C3	159 th St. C.O.D.	I1*	O1				
5611	Office Administrative Services							P	P	P		P	P	P			
56162	Security Systems Services											P	P	P			
5617	Services to Buildings and Dwellings											P	P				
561422	Telemarketing Bureaus							P	P	P		P	P				
56151	Travel Agencies							P	P	P			P	P			
Construction																	
2383	Building Finishing Contractors, excluding outdoor storage							P	P	P		P	P				
2383	Building Finishing Contractors, including outdoor storage											P					
23821	Electrical Contractors, excluding outdoor storage							P	P	P		P	P				
23821	Electrical Contractors, including outdoor storage											P					
2381	Foundation, Structure, and Building Exterior Contractors, excluding outdoor storage							P	P	P		P	P				
2381	Foundation, Structure, and Building Exterior Contractors, including outdoor storage											P					
23829	Other Building Equipment Contractors, excluding outdoor storage							P	P	P		P	P				
23829	Other Building Equipment Contractors, including outdoor storage											P					
2389	Other Specialty Trade Contractors, excluding outdoor storage							P	P	P		P	P				
2389	Other Specialty Trade Contractors, including outdoor storage											P					
23822	Plumbing, Heating, and Air Conditioning Contractors, excluding outdoor storage							P	P	P		P	P				
23822	Plumbing, Heating, and Air Conditioning Contractors, including outdoor storage											P					
Educational Services																	
611699	All Other Schools and Miscellaneous Instruction, excluding Life Guard Training and Survival Training Instruction							P	P	P		S	S	P		P	
611410	Business Secretarial Schools							P	P	P		S	S	P		P	

NAICS Code	Uses	Residential Districts						Commercial Districts				Ind Dist	Off Dist	GRD	OS	IB
		R1	R2	R3	R4	R5	R6	C1	C2	C3	159 th St. C.O.D.	I1*	O1			
6113	Colleges, Universities, and Professional Schools	S	S	S		S		S	S	S		S				P
611420	Computer Training							P	P	P		P	P	P		P
611511	Cosmetology and Barber Schools							P	P	P			P	P		P
611710	Educational Testing Services							P	P	P			P			P
6111	Elementary and Secondary Schools	S	S	S		S		S	S							P
611691	Exam Preparation and Tutoring							P	P	P			P	P		P
611610	Fine Arts Schools, except academic							P	P			S		P		P
6112	Junior Colleges	S	S	S		S		S	S			S				P
611630	Language Schools							P	P	P		S	P	P		P
611430	Professional and Management Development Training							P	P	P		P	P	P		P
611620	Sports and Recreation Instruction, excluding Skiing, Scuba , Skin and Sky Diving, and Riding Instruction							P	P	P		P				P
Finance and Insurance																
522390	Check Cashing Services							S	S	S			P	P		
5221	Commercial Banking, Savings Institutions, and Credit Unions							P	P	P			P	P		
525	Funds, Trusts, and other Financial Vehicles							P	P	P			P	P		
524	Insurance Activities and Related Activities							P	P	P			P	P		
522310	Mortgage and Nonmortgage Loan Brokers							P	P	P			P	P		
5222	Nondepository Credit Intermediation excluding Consumer Lending (522291), Pawnshops, and Short-term inventory credit lending (522298)							P	P	P			P	P		
523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities, excluding Miscellaneous Intermediation (523910) and Miscellaneous Financial Investment Activities (523999)							P	P	P			P	P		
Food Services and Drinking Places																
722320	Banquet Halls with Catering Staff							S	S	S						
722320	Caterers							P	P	P				P		

7221	Full Service Restaurants								P	P	P				P		
531120	Hall and Banquet Room, non-residential rental or leasing								S	S	S				S		
NAICS Code	Uses	Residential Districts						Commercial Districts				Ind Dist	Off Dist	GRD	OS	IB	
		R1	R2	R3	R4	R5	R6	C1	C2	C3	159 th St. C.O.D.	I1*	O1				
7222	Limited Service Eating Places								P	P	P				P		
Healthcare and Social Assistance																	
6244	Child Day Care Services, excluding babysitting services in providers own home								S	S	S				S	S	S
6233	Community Care Facilities for the Elderly	S	S	S		S			S	S	S						S
6223	General Medicine and Surgical Hospitals	S	S	S		S			S	S	S						S
6216	Home Health Care Services								P	P	P			P	P		
6215	Medical and Diagnostic Laboratories								S	S	S			P			
6231	Nursing Homes	S	S	S		S			S	S	S						S
6212	Offices of Dentists								P	P	P			P	P		
6213	Offices of Other Health Practitioners								P	P	P			P	P		
6211	Offices of Physicians								P	P	P			P	P		
Information																	
516	Internet Publishing and Broadcasting								P	P	P		P		P		
519120	Libraries	S	S	S		S			S	S	S				P		P
512131	Movie Theaters								S	S	S				S		
512132	Movie Theaters Drive-In								S	S	S						
511	Newspapers, Periodical, Book, and Directory Publishers, excluding printing								P	P	P		P		P		S
511	Newspapers, Periodical, Book, and Directory Publishers, including printing												P		P		S
515112	Radio and Television Broadcasting								P	P	P		P		P		S
5171	Wired Telecommunications Carriers		Subject to the provisions set forth in Chapter 156 and Article IX.														
5172	Wireless Telecommunication Carriers		Subject to the provisions set forth in Chapter 156 and Article IX.														
Manufacturing																	
315	Apparel												P				
32412	Asphalt Paving, Roofing, and Saturated Materials												P				
3121	Beverage												P				

3273	Cement and Concrete Product													P				
327122	Ceramic Wall and Floor Tile													P				
32712	Clay Building Material and Refractories													P				
334	Computer and Electric Product													P				
327991	Cut Stone and Stone Product													P				
NAICS Code	Uses	Residential Districts						Commercial Districts				Ind Dist	Off Dist	GRD	OS	IB		
		R1	R2	R3	R4	R5	R6	C1	C2	C3	159 th St. C.O.D.	I1*	O1					
3322	Cutlery and Handtool													P				
335	Electrical Equipment, Appliance, and Component													P				
311	Food													P				
337	Furniture and Related Product													P				
3272	Glass and Glass Product													P				
316	Leather and Allied Product													P				
333	Machinery													P				
339	Miscellaneous													P				
336991	Motorcycle, Bicycle, and Parts													P				
3362	Motor Vehicle Body and Trailer													P				
3363	Motor Vehicle Parts													P				
3361	Motor Vehicle													P				
3219	Other Wood Product													P				
3255	Paint, Coating, and Adhesive													P				
322	Paper													P				
326	Plastics and Rubber Product													P				
32711	Pottery, Ceramics, and Plumbing Fixture													P				
32591	Printing Ink													P				
323	Printing and Related Support Activities													P				
3211	Sawmills and Wood Preservation													P				
3256	Soap, Cleaning Compound, and Toilet Preparation													P				
313	Textile Mills													P				
314	Textile Product Mills													P				
3212	Vaneer, Plywood, and Engineered Wood Product													P				
Other Services																		

812910	Animal Grooming Services								P	P	P		P		P		
811412	Appliance Repair and Maintenance								P	P	P		P		P		
811121	Automotive Body, Paint, and Interior Repair and Maintenance								S	S	S		P				
811122	Automotive Glass Replacement Shops								S	S	S		P				
NAICS Code	Uses	Residential Districts						Commercial Districts				Ind Dist	Off Dist	GRD	OS	IB	
		R1	R2	R3	R4	R5	R6	C1	C2	C3	159 th St. C.O.D.	I1*	O1				
811111	Automotive Mechanical and Electrical Repair and Maintenance								S	S	S		P				
811191	Automotive Oil Change and Lubrication Shops								S	S	S		P				
813910	Business Associations								P	P	P			P	P		P
811192	Car Washes								S	S	S		S				
812220	Cemeteries and Crematories	S	S	S		S											
811490	Clothing Repair Shops, alterations only								P	P	P				P		
812310	Coin Operated Laundries and Drycleaners								P	P	P		P		P		
811211	Consumer Electronics Repair and Maintenance								P	P	P		P		P		
811310	Consumer and Industrial Machinery and Equipment Maintenance and Repair												P				
812191	Diet and Weight Reducing Centers, non-medical								P	P	P			P	P		
812320	Dry-cleaning and Laundry Services								P	P	P		P		P		
81143	Footwear and Leather Repair								P	P	P		P		P		
812210	Funeral Homes								S	S	S				S		
81211	Hair, Nails, and Skin Care Services								P	P	P				P		
812332	Industrial Launderers												P				
811490	Jewelry Repair Shops without retailing new jewelry								P	P	P				P		
812930	Parking Garages, automobile (privately owned)								S	S	S				P		S
812930	Parking Garages, automobile (publicly owned)	S	S	S		S			P	P	P				P		S
81291	Pet Boarding Services								P	P	P		P		S		
812990	Psychic Readings										S						
813	Religious, Non-for-Profit, Professional, Fraternal and Civic Organizations	S	S	S		S											S
81142	Reupholstery and Furniture Repair								P	P	P		P		P		

812199	Tanning Salons								P	P	P				P		
812199	Tattoo Parlor***									S							
NAICS Code	Uses	Residential Districts						Commercial Districts				Ind Dist	Off Dist	GRD	OS	IB	
		R1	R2	R3	R4	R5	R6	C1	C2	C3	^{159th} St. C.O.D.	I1*	O1				
	Other																
-	Accessory Uses	Subject to provisions set forth in Article IX.															
-	Drive-in or Drive-up facilities associated with retail establishment							S	S	S			S		S		
-	Outdoor storage accessory to a retail trade located in the C1 thru C3 districts of this zoning ordinance							S	S	S					S		P
-	Planned Unit Development	S	S	S	S	S	S	S	S	S			S	S	S	S	S
-	Public Parks and Playgrounds	S	S	S	S	S	S	S	S						P	P	P
-	Home Occupation	Subject to provisions set forth in Section 9-102.															
-	Outdoor Eating Patios when accessory to commercial establishment							S	S	S					S		
-	Outdoor Beer Garden, when accessory to commercial establishment							S	S	S					S		
-	Temporary Uses	Subject to provisions set forth in Section 9-103.															
Public Administration																	
922160	Fire Departments	S	S	S	S	S	S	P	P				P	P	P	P	P
921190	Other General Government Support	S	S	S	S	S	S	P	P	P			P	P	P	P	P
921110	Mayor's Offices	S	S	S	S	S	S	P	P				P	P	P	P	P
922120	Police Departments	S	S	S	S	S	S	P	P				P	P	P	P	P
-	Public Works Facilities	S	S	S	S	S	S	P	P				P	P	P	P	P
Professional, Scientific, and Technical Service																	
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services							P	P	P			P	P	P		
541611	Administrative and Management and General Management Consulting Services							P	P	P				P	P		
541810	Advertising Agencies							P	P	P				P	P		
541940	Animal Hospitals							P	P	P					P		
5413	Architectural, Engineering, and Related Services, excluding Testing Laboratories (541380)							P	P	P			P	P	P		

541922	Commercial Photography Services							P	P	P		P	P	P		
551114	Corporate, Subsidiary, and Regional Managing Offices							P	P	P		P	P	P		
541620	Environmental Consulting Services							P	P	P		P	P	P		
541612	Human Resources and Executive Search Consulting Services							P	P	P			P	P		
5411	Legal Services							P	P	P			P	P		
541613	Marketing Consulting Services							P	P	P		P	P	P		
541820	Public Relations Agencies							P	P	P			P	P		
5414	Specialized Design Services							P	P	P		P	P	P		
Real Estate Rental, and Leasing																
53221	Consumer Electronics and Appliances Rental							P	P	P		P		P		
53222	Formal Wear and Costume Rental							P	P	P				P		
53242	Office Machinery and Equipment Rental and Leasing											P				
531210	Offices of Real Estate Agents and Brokers							P	P	P			P	P		
5321	Passenger Car Rental and Leasing								S			S				
53212	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing								S			S				
53223	Video Tape and Disc Rental							P	P	P				P		
Retail Trade																
453998	All Other Miscellaneous Store Retailers, except Firework Shops (453998)							P	P	P				P		
45392	Art Dealers							P	P	P				P		
441	Automobile Dealers							S	S	S		S				
4413	Automotive Parts, Accessories, and Tires Stores							S	P	S		P				
4453	Beer, Wine, and Liquor Stores							S	S	S				S		
441222	Boat Dealers								S	S		S				
448	Clothing and Clothing Accessories Stores							P	P	P				P		
44612	Cosmetics, Beauty Supplies, and Perfume Stores							P	P	P				P		
443	Electronics and Appliance Stores							P	P	P				P		
454	Electronic Shopping and Mail Order Houses							P	P	P		P		P		
4531	Florists							P	P	P				P		
445	Food and Beverage Stores excluding Beer, Wine, and Liquor Stores (445310)							P	P	P				P		
446191	Food (Health) Supplement Stores							P	P	P				P		
442	Furniture and Home Furnishing Stores							P	P	P				P		

444220	Garden Centers								P	P	P			P			
447110	Gasoline Stations with Convenience Stores								S	S	S						
447190	Gasoline Stations without Convenience Stores								S	S	S						
452	General Merchandise Stores, excluding Home and Auto Supply Stores (452990)								P	P	P					P	
444130	Hardware Stores								P	P	P					P	
44411	Home Improvement Centers								P	P	P						
441660	Medical Cannabis Dispensary													S			
4532	Office Supplies, Stationary, and Gift Stores								P	P	P					P	
44613	Optical Goods Stores								P	P	P					P	
444190	Other Building Material Dealers								S	P	P			P		P	
44412	Paint and Wallpaper Stores								P	P	P			P		P	
45391	Pet and Pet Supplies Stores								P	P	P					P	
4461	Pharmacies and Drug Stores								P	P	P					P	
441210	Recreational Vehicle Dealers									S	S			S			
3256	Sexually Oriented Businesses		Subject to the provisions set forth in Article 9 Part III														
451	Sporting Goods, Hobby, Book, and Music Stores excluding Gun Shops and Gunsmith Shops retailing guns (451110), and the retail sale of firearms and ammunition								P	P	P					P	
451110	Gun Shops & Gunsmith Shops**									S							
453	Used Merchandise Stores								P	P	P					S	
Residential																	
-	Mobile Home Parks		Subject to the provisions set forth in Chapter 158.														
-	Multi-Family Dwellings (subject to the regulations of a planned unit development)	S	S	S	S	P	P	S	S	S						P	
-	Single-Family Dwellings	P	P	P	P												
NAICS Code	Uses	Residential Districts						Commercial Districts				Ind Dist	Off Dist	GRD	OS	IB	
		R1	R2	R3	R4	R5	R6	C1	C2	C3	159 th St. C.O.D.	I1*	O1				
Transportation and Warehousing																	
49311	General Warehousing and Storage									S				P			
531130	Lessors of Miniwarehouses & Self Storage Units													S			

48841	Motor Vehicle Towing, when accessory to an automotive repair and maintenance facility							S	S	S		P				
488991	Packing and Crating											P				
491	Postal Services	S	S	S		S		P	P			P				P
49312	Refrigerated Warehousing and Storage excluding farm product warehousing and storage											P				
Health Care and Social Assistance																
624190	Support Group Service Centers											S				
Wholesale Trade																
423	Wholesale Trade - Durable Goods, but not including ammunition, firearms, guns (423910, 423990), or fireworks (423920)											P				
424	Wholesale Trade - Nondurable Goods, but not including farm product raw materials (44420), or petroleum and petroleum products (425120, 424720)											P				

* Notwithstanding anything to the contrary in this Appendix A, any property that is (1) located in I1 Industrial District and (2) has frontage along either Harlem Avenue or 167th Street may be used in accordance with the use and bulk regulations set forth Article V.

**All Gun shops must be ancillary to “NAICS 713990 All Other Indoor Amusement & Recreation Industries” or “NAICS 451 – Sporting Goods Retail”

***Any new tattoo parlor must be located at minimum 2,000 feet from any other existing tattoo parlor.

APPENDIX B: TABLE OF AMENDMENTS

Ordinance Number	Date	Section(s)	Description
2014-08-0507O	August 12, 2014	Appendix A – Table of Uses	To add all other indoor amusement and recreation industries and gun shops as special uses in the C2 General Service District.
2014-08-0510O	August 26, 2014	Appendix A – Table of Uses	To add lessors of mini-warehouses and self-storage units as a special use in the I Industrial District.
2014-09-0518O	September 9, 2014	Appendix A – Table of Uses	To add psychic readings as a special use in the C3 Central Business District.
2014-09-0524O	November 11, 2014	Appendix A – Table of Uses; Articles 9 and 12	To add specific regulations for medical cannabis dispensaries.
2015-12-0576O	December 8, 2015	Appendix A – Table of Uses	To add tattoo parlors as a special use to the C2 General Service District.
2016-01-0578O	January 12, 2016	Appendix A – Table of Uses	To add automobile dealers as a special use in the I Industrial District.
2016-09-0618O	September 13, 2016	Section 9-106.K	To amend the height, width, and area requirements of wall signs.