



# OAK PARK ZONING ORDINANCE

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**PLAN COMMISSION RECOMMENDED DRAFT**

**JANUARY, 2017**

**WITH MOTIONS APPROVED BY THE VILLAGE BOARD ON SEPTEMBER 5, 2017**

*\* Those Articles with revisions approved by the Village Board on September 5, 2017 are indicated with a header that states "Includes Motions Approved on Sept. 5, 2017." All revisions are indicated in redline (additions) and strikethrough (deletions).*





## VILLAGE OF OAK PARK ZONING ORDINANCE: TABLE OF CONTENTS

<b>ARTICLE 1. TITLE, PURPOSE, &amp; APPLICABILITY</b>	
1.1	TITLE ..... 1-1
1.2	PURPOSE ..... 1-1
1.3	APPLICABILITY ..... 1-1
1.4	TRANSITION RULES ..... 1-2
1.5	SEVERABILITY ..... 1-3
<b>ARTICLE 2. DEFINITIONS &amp; RULES OF MEASUREMENT</b>	
2.1	RULES OF INTERPRETATION ..... 2-1
2.2	GENERAL ABBREVIATIONS..... 2-1
2.3	DEFINITIONS ..... 2-1
2.4	RULES OF MEASUREMENT ..... 2-16
<b>ARTICLE 3. ZONING DISTRICTS</b>	
3.1	DISTRICTS ..... 3-1
3.2	ZONING MAP ..... 3-1
3.3	EXEMPTIONS FOR RIGHTS-OF-WAY AND PUBLIC UTILITIES ..... 3-2
<b>ARTICLE 4. RESIDENTIAL DISTRICTS</b>	
4.1	PURPOSE STATEMENTS ..... 4-1
4.2	USES ..... 4-2
4.3	DIMENSIONAL STANDARDS ..... 4-2
4.4	GENERAL STANDARDS OF APPLICABILITY ..... 4-2
<b>ARTICLE 5. COMMERCIAL DISTRICTS</b>	
5.1	PURPOSE STATEMENTS ..... 5-1
5.2	USES ..... 5-3
5.3	DIMENSIONAL STANDARDS ..... 5-3
5.4	RR DISTRICT DIMENSIONAL AND DESIGN STANDARDS..... 5-6
5.5	GENERAL STANDARDS OF APPLICABILITY ..... 5-19
<b>ARTICLE 6. SPECIAL PURPOSE DISTRICTS</b>	
6.1	OS OPEN SPACE ZONING DISTRICT..... 6-1
6.2	I INSTITUTIONAL ZONING DISTRICT ..... 6-1
6.3	H HOSPITAL ZONING DISTRICT..... 6-2
<b>ARTICLE 7. DESIGN STANDARDS</b>	
7.1	PURPOSE ..... 7-1
7.2	APPLICABILITY..... 7-1
7.3	DESIGN REVIEW..... 7-2
7.4	BUILDING DESIGN STANDARDS..... 7-4
7.5	ENERGY EFFICIENT CONSTRUCTION ..... 7-7
<b>ARTICLE 8. USES</b>	
8.1	GENERAL USE PERMISSION ..... 8-1
8.2	USE MATRIX ..... 8-1
8.3	USE RESTRICTIONS ..... 8-1
8.4	PRINCIPAL USE STANDARDS ..... 8-6
8.5	TEMPORARY USE STANDARDS ..... 8-13
<b>ARTICLE 9. SITE DEVELOPMENT STANDARDS</b>	
9.1	GENERAL REQUIREMENTS ..... 9-1
9.2	EXTERIOR LIGHTING ..... 9-1
9.3	ACCESSORY STRUCTURES AND USES ..... 9-3
9.4	PERMITTED ENCROACHMENTS ..... 9-14
9.5	ENVIRONMENTAL PERFORMANCE STANDARDS ..... 9-16

**ARTICLE 10. OFF-STREET PARKING & LOADING**

10.1 GENERAL REQUIREMENTS ..... 10-1  
10.2 LOCATION OF OFF-STREET PARKING SPACES ..... 10-2  
10.3 OFF-STREET PARKING DESIGN STANDARDS ..... 10-3  
10.4 REQUIRED OFF-STREET VEHICLE AND BICYCLE PARKING SPACES ..... 10-7  
10.5 PARKING FLEXIBILITIES, EXEMPTIONS, AND REDUCTIONS ..... 10-10  
10.6 BICYCLE PARKING STANDARDS ..... 10-12  
10.7 REQUIRED OFF-STREET LOADING SPACES ..... 10-14  
10.8 COMMERCIAL AND RECREATIONAL VEHICLES STORAGE IN RESIDENTIAL DISTRICTS . 10-15

**ARTICLE 11. LANDSCAPE & SCREENING**

11.1 LANDSCAPE PLAN ..... 11-1  
11.2 ENFORCEMENT OF LANDSCAPE PLAN ..... 11-1  
11.3 SELECTION, INSTALLATION AND MAINTENANCE ..... 11-2  
11.4 LANDSCAPE DESIGN STANDARDS ..... 11-2  
11.5 REQUIRED SITE LANDSCAPE ..... 11-3  
11.6 REQUIRED PARKING LOT LANDSCAPE ABUTTING A STREET ..... 11-3  
11.7 REQUIRED PARKING LOT INTERIOR LANDSCAPE..... 11-4  
11.8 BUFFER YARD REQUIREMENTS ..... 11-5  
11.9 PARKWAY LANDSCAPING ..... 11-6  
11.10 TREE CONSERVATION ..... 11-7

**ARTICLE 12. ORDINANCE ADMINISTRATORS**

12.1 VILLAGE BOARD ..... 12-1  
12.2 PLAN COMMISSION ..... 12-1  
12.3 ZONING BOARD OF APPEALS ..... 12-1  
12.4 ZONING ADMINISTRATOR ..... 12-1  
12.5 COMMUNITY DESIGN COMMISSION ..... 12-2  
12.6 HISTORIC PRESERVATION COMMISSION ..... 12-2

**ARTICLE 13. APPLICATION**

13.1 APPLICATION ..... 13-1  
13.2 NOTICE ..... 13-2  
13.3 PUBLIC HEARING ..... 13-3

**ARTICLE 14. ZONING APPROVALS**

14.1 ZONING TEXT AND MAP AMENDMENT ..... 14-1  
14.2 SPECIAL USE ..... 14-3  
14.3 VARIATION ..... 14-5  
14.4 ADMINISTRATIVE VARIATION ..... 14-6  
14.5 PLANNED DEVELOPMENT ..... 14-7  
14.6 ZONING INTERPRETATION ..... 14-16  
14.7 CERTIFICATE OF ZONING COMPLIANCE..... 14-17  
14.8 ZONING APPEALS ..... 14-17  
14.9 TEMPORARY USE PERMIT ..... 14-18

**ARTICLE 15. NONCONFORMITIES**

15.1 GENERAL APPLICABILITY ..... 15-1  
15.2 NONCONFORMING USE ..... 15-1  
15.3 NONCONFORMING STRUCTURE ..... 15-2  
15.4 NONCONFORMING LOT OF RECORD ..... 15-4  
15.5 NONCONFORMING SITE ELEMENTS ..... 15-4

**ARTICLE 16. ENFORCEMENT**

16.1 ENFORCEMENT OFFICIAL ..... 16-1  
16.2 APPLICATION OF PENALTIES ..... 16-1  
16.3 FINES ..... 16-1

**TABLES**

Table 4-1: Residential Districts Dimensional Standards ..... 4-3  
Table 5-1: Commercial Districts Dimensional Standards ..... 5-3  
Table 5-2: RR District Building Type Permissions ..... 5-6  
Table 5-3: RR District Maximum Building Heights ..... 5-10  
Table 5-4: RR District Maximum Density ..... 5-10  
Table 5-5: RR District Front Setbacks ..... 5-10  
Table 5-6: RR District Side and Rear Setbacks ..... 5-11  
Table 5-7: RR District Percent of Street Frontage Occupied by Building ..... 5-11  
Table 5-8: RR District RR-P Street Frontage Options ..... 5-12  
Table 5-9: RR District RR-T Street Frontage Options ..... 5-12  
Table 5-10: RR District RR-A Street Frontage Options ..... 5-12  
Table 5-11: RR District Required Facade Elements ..... 5-12  
Table 5-12: RR District Use Restrictions by Building Type ..... 5-15  
Table 6-1: OS District Dimensional Standards ..... 6-1  
Table 6-2: I District Dimensional Standards ..... 6-2  
Table 6-3: H District Dimensional Standards ..... 6-2  
Table 8-1: Use Matrix ..... 8-3  
Table 9-1: Permitted Encroachments Into Required Setbacks ..... 9-15  
Table 10-1: Off-Street Parking Space Dimensions ..... 10-3  
Table 10-2: Off-Street Vehicle and Bicycle Parking Requirements ..... 10-8  
Table 10-3: Shared Parking Calculation ..... 10-11  
Table 10-4: Off-Street Loading Requirements ..... 10-14  
Table 13-1: Required Notice ..... 13-2



## ARTICLE 1. TITLE, PURPOSE, & APPLICABILITY

### 1.1 TITLE

### 1.2 PURPOSE

### 1.3 APPLICABILITY

### 1.4 TRANSITION RULES

### 1.5 SEVERABILITY

#### 1.1 TITLE

This Ordinance incorporates the Village of Oak Park Zoning Map and is known, cited, and referred to as the “Village of Oak Park Zoning Ordinance,” “Zoning Ordinance,” or “Ordinance.”

#### 1.2 PURPOSE

The intent of this document is to establish zoning regulations to serve the Village of Oak Park, which may be cited as “the Village” or “Village.” Pursuant to the authority contained in Article VII of the Illinois Constitution of 1970, as amended, and in the Illinois Compiled Statutes, this Zoning Ordinance is adopted for the following purposes:

- A. To promote and protect the public health, safety, and welfare.
- B. To secure adequate light, air, privacy, and convenience of access to property.
- C. To promote the orderly development of Oak Park in accordance with the Comprehensive Plan.
- D. To protect the character and maintain the stability of the Village’s residential and non-residential areas.
- E. To conserve the values of property throughout the Village and to protect the character and stability of the residential, business and industrial areas.
- F. To lessen or avoid congestion in the public streets and highways in the Village.
- G. To classify, regulate and restrict the location and use of buildings, structures, and land for trade, industrial, residential and other uses, and to regulate and restrict the intensity of such uses.
- H. To divide the Village into zoning districts, according to use of land and structures, height and bulk of structures, intensity of use of the lot, or other classification, as deemed best suited to carry out the purposes of this Ordinance.
- I. To set reasonable standards to which structures must conform.
- J. To prohibit uses or structures incompatible with the character of development within specified zoning districts.
- K. To protect against fire, explosions, noxious fumes, and other dangers.
- L. To provide for the gradual elimination of nonconformities.
- M. To define and limit the powers and duties of the administrative officers and bodies as provided in this Ordinance.
- N. To prescribe penalties for the violation of and methods for the enforcement of the provisions of this Ordinance.

#### 1.3 APPLICABILITY

##### A. Territorial Application

This Ordinance applies to all land, uses, and structures within the corporate limits of the Village.

##### B. General Application

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

**C. Required Conformance**

Any part or whole of a structure must be erected, constructed, reconstructed, moved, and enlarged in conformance with the requirements of this Ordinance. Any structure or land must be used and occupied in conformance with the requirements of this Ordinance.

**D. Relation to Private Agreements**

This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls. The Village will not enforce any private agreement or covenant.

**E. Relation to Other Laws and Regulations**

1. Unless otherwise specifically provided, this Ordinance controls over less restrictive Village statutes, ordinances, or regulations, and more Village restrictive statutes, ordinances, or regulations control over the provisions of this Ordinance.
2. All development must meet the standards and requirements for preservation of historic structures set forth in Chapter 7 of the Village Code in addition to all applicable requirements of this Ordinance. Chapter 7, Article 9 of the Village Code also requires a Certificate of Advisory Review or Certificate of Appropriateness for projects in the Village's historic districts or Historic Landmarks. Chapter 9, Section 7.9.10 of the Village Code, requires most zoning and subdivision actions affecting historic landmarks or historic districts to be reviewed by the Historic Preservation Commission.

**F. Rules of Ordinance Construction**

1. This Ordinance contains graphics in order to assist the user in understanding and applying the Ordinance. However, where there is any inconsistency between the text of this Ordinance and any such graphics, the text controls unless otherwise specifically stated.
2. This Ordinance contains cross-references in order to assist the user in understanding and applying the Ordinance. However, where there is an inconsistency between the cross-reference and the actual reference intended, the Zoning Administrator will make the determination of the correct reference.

**1.4 TRANSITION RULES**

**A. Existing Uses**

1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance, that use is deemed a special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Ordinance for special uses.
2. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is deemed a permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Ordinance requirements for such permitted use and is no longer subject to the special use ordinance under which it was originally approved.
3. If a structure or land is used in a manner that was classified as permitted or special use prior to the effective date of this Ordinance, but this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 15.

**B. Structures Rendered Nonconforming**

If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 15.

**C. Lots Rendered Nonconforming**

If a lot of record existing on the effective date of this Ordinance was a conforming lot before the effective date of this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot of record and is controlled by the provisions of Article 15.

**D. Previously Issued Building Permits**

If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an certificate of occupancy for the use originally intended. However, such structure will be considered a nonconforming structure if it does not meet all standards set forth in this Ordinance in the zoning district in which it is located and is controlled by the provisions of Article 15.

**E. Previously Granted Variations**

All variations granted prior to the effective date of this Ordinance remain in full force and effect, unless such variation is no longer needed after the effective date. The recipient of the variation may proceed to develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the variation before the approval expires, including any approved periods of extension, then the provisions of this Ordinance govern.

**F. Previously Granted Special Uses**

1. All special uses granted prior to the effective date of this Ordinance, but where the use has not yet commenced, remain in full force and effect. The recipient of the special use may proceed to use the property in accordance with the approved plans and all applicable conditions.
2. However, if the special use becomes a permitted use in the district as of the effective date, such special use approval is no longer needed.
3. If the recipient has failed to act on the special use before the approval expires, including any approved periods of extension, then the provisions of this Ordinance govern.

**G. Pending Applications**

1. A zoning application that has been deemed complete by the Zoning Administrator and has been scheduled for a public hearing or meeting, as applicable, is subject to the Ordinance requirements in effect on the date the application was deemed complete.
2. A building permit that has been submitted and deemed complete by the Zoning Administrator is subject to the Ordinance requirements in effect on the date the application was deemed complete.

**1.5 SEVERABILITY**

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.





## ARTICLE 2. DEFINITIONS & RULES OF MEASUREMENT

### 2.1 RULES OF INTERPRETATION

### 2.2 GENERAL ABBREVIATIONS

### 2.3 DEFINITIONS

### 2.4 RULES OF MEASUREMENT

#### 2.1 RULES OF INTERPRETATION

The terms in the text of this Ordinance must be interpreted in accordance with the following rules of construction:

- A. The singular includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. The terms “must,” “shall,” and “will” are mandatory, while the word “may” is permissive.
- D. The terms “must not,” “will not,” “shall not,” “cannot,” and “may not” are prohibiting.
- E. Any gender includes all genders.
- F. Whenever a defined word or term appears in the text of this Code, its meaning is as set forth in the definition. Words not defined are interpreted in according to normal dictionary usage.

#### 2.2 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Ordinance:

- A. “BTL” is an abbreviation for “built-to line.”
- B. “BTZ” is an abbreviation for “built-to zone.”
- C. “DBH” is an abbreviation for “diameter at breast height.”
- D. “GFA” is an abbreviation for “gross floor area.”
- E. “ft” is an abbreviation for “feet.”
- F. “N/A” is an abbreviation for “not applicable.”
- G. “sq.ft.” is an abbreviation for “square feet.”
- H. “SF” is an abbreviation for “single-family - detached.”
- I. “2F” is an abbreviation for “two-family.”
- J. “TH” is an abbreviation for “townhouse.”
- K. “MF” is an abbreviation for “multi-family.”

#### 2.3 DEFINITIONS

**Abut or Adjacent.** To share a common wall or lot line without being separated by a street or alley.

**Accessory Building.** A detached building located on the same lot as the principal building, that is incidental to the use of the principal building and is constructed with a permanent foundation.

**Accessibility Ramp.** A ramp or similar structure that provides wheelchair or similar access to a structure.

**Accessory Structure.** A structure located on the same lot as the principal building, which may be detached or attached, that is incidental to the use of the principal building and is not constructed with a permanent foundation.

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**Accessory Use.** A use located on the same lot as the principal use and subordinate to the principal use of the land or structure thereon.

**Addition/Enlargement.** Construction that increases the size of a structure in terms of building footprint, height, or floor area.

**Adult Use.** Adult use includes: 1) adult retail where the following are sold: publications, photographs, films, or other video reproductions, or visual representations that depict or describe specified sexual activities or specified anatomical areas, or devices or paraphernalia designed for use in connection with specified sexual activities; and 2) adult entertainment where a business features dancers, go-go dancers, exotic dancers or similar entertainers, or live entertainment, in which persons regularly appear in a state of nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities. Adult use establishments specifically exclude minors, or minors are specifically prohibited by statute or ordinance, regardless of whether any such business is licensed to sell alcoholic beverages. Any adult use must be located a minimum of 1,000 feet from any residential use, place of worship, educational facility, or day care center.

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

**Amateur (HAM) Radio Equipment.** An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

**Animal Care Facility.** A business which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, and pet boarding facilities, where animals are boarded during the day or for overnight stays.

**Antique Shop.** A retail establishment engaged in the sale of goods and merchandise, the majority of which are older than 50 years, have value as collectibles, and are not intended for everyday use or wear.

**Architectural Feature.** A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

**Art Gallery.** A business engaged in the sale, loan and/or display of paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

**Art and Fitness Studio.** A business where an art, type of art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, pilates, or yoga. An art and fitness studio also includes private exercise studios that are only open for private sessions with trainers and/or classes, but does not include health clubs.

**Arbor.** A freestanding structure to support vines or trained climbing plants.

**Auction House.** An establishment that offers for public sale goods, wares, and merchandise to the highest bidder.

**Automatic Teller Machine, Exterior (ATM).** An automated structure providing limited banking services without personal attendants.

**Awning.** A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

**Balcony.** A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

**Bay Window.** A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

**Bed and Breakfast.** A single-family residential dwelling where a resident/owner, who lives on the premises, provides lodging for a daily fee in guest rooms with no in-room cooking facilities and prepares meals for guests. A bed and breakfast may include dining facilities. A bed and breakfast is a principal use of a single-family dwelling and does not include transient vacation rentals or any other type of short-term rental.

**Berm.** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other similar purposes.

**Blank Wall Area.** Any portion of an exterior wall facing a street that does not contain doors or windows, columns, pilasters or other articulation representing a projection or recess of at least six inches, or a significant change in building materials or texture of building materials, which is calculated horizontally along the building façade.

**Block.** Defined in Section 2.4.

**Blockface.** Defined in Section 2.4.

**Blue Roof.** A roof designed to store water and discharge rainfall.

**Body Modification Establishment.** A business that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

**Brewpub.** A restaurant-based establishment where beer is manufactured and stored on the licensed premises and sold at retail from storage tanks to non-licensees, and sold in packages to importing distributors, distributors, and non-licensees in accordance with the brewpub license. The brewing capacity is limited to less than 6,000 barrels per year. (See “micro-brewery” for brewing capacity in excess of 6,000 barrels per year.)

**Broadcasting Facility – TV/Radio.** A facility engaged in broadcasting and information relay services for radio and television signals. A broadcasting facility may or may not include antennas to broadcast the signal.

**Buffer.** Land area with landscape plantings and other components used to visibly separate one use from another and/or to shield or block noise, lights, or other nuisances.

**Build-to Line.** Defined in Section 2.4

**Build-to Percentage.** Defined in Section 2.4

**Build-to Zone.** Defined in Section 2.4

**Buildable Area.** The space remaining on a lot after the minimum setback and maximum building coverage requirements of this Ordinance are met.

**Building.** Any structure built for the enclosure, protection, shelter, or support of persons, animals, or property of any kind and which is permanently affixed to the ground. The term building does not include fences.

**Building Code.** The Building Code of the Village of Oak Park.

**Building Coverage.** Defined in Section 2.4.

**Building Height.** Defined in Section 2.4.

**Building Line.** Defined in Section 2.4

**Bulk.** A term used to describe the size and relationships of structures as to area, height, coverage, and shape, location of exterior walls in relation to lot lines, the centerline of streets, other walls of the same structure and to other structures, and to all open spaces relating to the structure.

**Business.** An occupation, employment, or enterprise that occupies time, attention, labor and materials, where merchandise is exhibited or sold, or where services are offered.

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

**Business Service Center.** An establishment that provides support services to businesses and the public that includes services such as delivery and/or receipt of packages, copying of documents, including self-service copy machines, computer access for a fee, faxing, and sales of office supplies.

**Car Wash.** A business for the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, whether automatic, by hand, or self-service.

**Carport.** An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

**Children's Home.** A residential facility that provides both long-term residence for and short-term care and services to children up to 18 years of age, who have experienced abuse, neglect, violence, abandonment, and/or are in need of supervised care. A children's home includes counseling for children within the facility and for parents and children not residing at the facility, and offices for the administration of the facility and its associated programs. It may also include day care services as an ancillary function. Children's homes must be appropriately licensed by the Illinois Department of Children and Family Services.

**Chimney.** A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

**Coach House.** An additional dwelling unit located within a detached garage on the upper floor that is associated with, and incidental to, the principal single-family dwelling on the same lot. A coach house includes separate cooking and sanitary facilities, with its own means of ingress and egress.

**Coldframe Structure.** A transparent roofed enclosure constructed low to the ground used to protect plants from excessively cold or wet weather. It functions similar to a greenhouse to help extend the growing season.

**Co-Location.** Placement of wireless telecommunications equipment from more than one service or service provider on a single tower or site.

**Community Center.** A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities.

**Community Garden.** The cultivation of fruits, flowers, vegetables, or ornamental plants by one or more person or family. Community gardens do not include the keeping of any animals, bees, or aquaculture, or the use of heavy machinery.

**Community Residence.** A residence licensed, certified, or accredited for specialized residential care home by the appropriate state or federal agencies, that functions as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities, and other aspects of residential living. The use matrix in Table 8-1 distinguishes sizes of community residents by number of residents; this number includes any caretakers that live on-site.

**Consignment Shop.** An establishment where personal items, such as clothes, jewelry, or artifacts, or small furniture are resold through a broker for the owner at an agreed-upon price.

**Contiguous.** See "abut."

**Contractor Shop.** An establishment where a building trade or building craft is conducted within a fully enclosed structure.

**Craft Brew Lounge.** An establishment that serves craft beer. Craft beer is defined as a beer from a craft brewery that: 1) produces less than 15,000 barrels of beer annually or 465,000 gallons; and 2) produces a significant volume of either malt beers or beers that use adjuncts to enhance, rather than to lighten, flavor.

**Cross-Access.** A vehicular and/or pedestrian connection between abutting properties in different ownership that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exit to the street.

**Cultural Facility.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include retail sales of related items and restaurants as ancillary uses.

**Cutoff.** The point at which all light rays emitted by a lamp, light source or luminaire are generally eliminated (cutoff) at a specific angle above the ground, acknowledging that some light trespass may occur.

**Day.** Day means business day. A timeframe in days is computed by excluding the first day and including the last, unless the last day is Saturday, Sunday, or a holiday (as defined or fixed in any statute now or hereafter in force in Illinois) and so it will also be excluded. If the day succeeding a Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday then such succeeding day is also excluded.

**Day Care Center.** A state licensed facility operated by any person, group of persons, agency, association or organization, where care, protection, and supervision is provided for children or well, ambulatory, or semi-ambulatory (non-bedridden) adults for less than 24 hours per day.

**Day Care Home.** A state licensed facility operated in a dwelling where a permanent occupant of the dwelling provides for the care, protection, and supervision of a maximum of eight clients, at any one time, apart from their parents or legal guardian, for less than 24 hours per day. Clients are defined as children under 12 and include the permanent occupant's natural, foster, or adopted children.

**Deck.** A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

**Design Studio with Retail.** A commercial establishment from where professional home decorating and similar services are provided that includes the on-site retail sale of home furnishings and similar items to the general public. If a design studio does not offer home furnishings and similar items for sale, it is considered an office use.

**Diameter Breast Height (DBH).** Defined in Section 2.4.

**District.** Land area of the Village where certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**Drip Line.** A vertical line extending from the outmost edge of the tree canopy or shrub branch to the ground.

**Drive-Through Facility.** A portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle.

**Driveway.** An approved vehicle access point leading from public right-of-way to the subject property.

**Dwelling.** A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings (detached and attached), two-family dwellings, townhouse dwellings, and multi-family dwellings, but excluding mobile homes and hotels/motels.

**Dwelling – Above the Ground Floor.** Dwelling units located above ground-floor non-residential uses or located behind ground-floor non-residential uses. In the case of dwelling units located behind ground-floor non-residential uses, the residential uses cannot be located along the primary street frontage.

**Dwelling – Multi-Family.** A structure containing three or more dwelling units used for residential occupancy not designed as a townhouse dwelling as defined in this section.

**Dwelling – Single-Family.** A structure containing only one dwelling unit.

**Dwelling – Two-Family.** A structure containing two dwelling units, each with a separate entrance.

**Dwelling – Townhouse.** A structure consisting of three or more dwelling units, which are connected by party walls. A townhouse is designed with no other dwelling or portion of other dwelling, directly above or below, where each unit has a separate exterior entrance and direct ground level access to the outdoors with no opening between units. A townhouse dwelling does not include two-family or multi-family dwellings. A townhouse is also referred to as single-family attached dwelling. A townhouse dwelling refers to the design of a structure and not the type of ownership of the individual units.

**Dwelling Unit.** One or more rooms, including individualized bathroom and kitchen facilities, which are arranged, designed, or used as living quarters for a household.

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

**Eave.** The projecting lower edges of a roof overhanging the wall of a structure.

**Educational Facility – Primary or Secondary.** A public, private, or parochial facility that offers instruction at the pre-school, elementary, junior high, and/or high school levels.

**Educational Facility – University.** A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university include ancillary uses such as dormitories, cafeterias, restaurants, retail sales of educational supplies, and similar uses.

**Educational Facility – Vocational.** A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a driving school or school for *general educational development*. Educational facility – vocational also applies to privately operated schools that do not offer a complete educational curriculum.

**Encroachment.** The extension or placement of any structure, or a component of such, into a required setback.

**Erect.** To build, construct, attach, hang, place, suspend, or affix.

**Exterior Lighting.** The illumination of an outside area or object by any man-made device that produces light by any means.

**Exterior Stairwell.** One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another, located on the exterior of a principle building.

**Farmers' Market.** A temporary use of land and/or structures for the sale of a variety of fresh fruits and vegetables, and other locally produced farm and food products directly to consumers from two or more farmers or vendors that have taken such items on consignment for retail sale.

**Fence.** A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, masonry, and similar materials and is used as a barrier and/or boundary.

**Fence - Open.** A fence that has, over its entirety, 50% or more of the superficial surface consisting of regularly distributed openings.

**Fence - Solid.** A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

**Financial Institution.** A bank, savings and loan, credit union, or mortgage office. Financial institutions do not include currency exchanges and pay day loan establishments that exchange common currencies, sell money orders, issue cashiers checks, and cash checks as its principal business activity, or provide loans to individuals in exchange for receiving personal checks or the original title to the borrower's motor vehicle as collateral respectively.

**Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Funeral Home.** An establishment that prepares the dead for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

**Garage.** A structure, either attached or detached, used for the parking and storage of motor vehicles by a resident.

**Gas Station.** A business where fuel for vehicles are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. This may also include ancillary retail uses, one automatic car wash facility (one stall), and solar and/or electric charging stations.

**Gazebo.** A freestanding outdoor structure designed for recreational use and not for habitation.

**Glare.** Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort, and, in extreme cases, cause momentary blindness.



**Government Office.** Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public. Government offices do not include public safety or public works facilities.

**Grade.** Defined in Section 2.4.

**Grading.** The reshaping of natural land contours, using natural land materials such as soil, gravel, sand, black dirt, etc., for the purpose of eliminating erosion or sedimentation problems, creating or improving surface drainage, providing for the natural aesthetic contouring of property, or to accommodate a building plan by making minor changes in land elevation.

**Green Roof.** An assembly of interacting components designed to waterproof and normally insulate a building's top surface that includes, by design, vegetation and related landscaping elements.

**Greenhouse/Nursery.** A business where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, and paving stone and bricks.

**Greenhouse (Accessory).** A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

**Gross Floor Area (GFA).** Defined in Section 2.4.

**Ground Floor.** The story closest to and above grade along the street.

**Health Club.** An establishment that provides health and fitness facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, and may include ancillary facilities such as locker rooms, showers, massage rooms, saunas, sales of related health equipment and clothing, juice bars, and other related uses.

**Heavy Retail and Rental.** Retail and/or rental establishments that typically have permanent outdoor storage areas, and/or partially enclosed structures including, but not limited to, large-scale home improvement centers, industrial supply stores, and lumberyards. Heavy retail and rental establishments may include ancillary service uses, such as equipment repair, as part of the principal retail and rental use.

**Hedge.** A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

**Helipad.** An area of land or portion of a structure used for the landing and take-off of helicopters with no facilities for service or permanent basing of such aircraft.

**Home Occupation.** Any occupation or profession conducted within a dwelling unit and its permitted accessory structures that is clearly incidental and secondary to the use of such buildings.

**Hospital.** Facilities for primary health services and medical or surgical care to people, primarily in-patients, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or educational facilities. Hospital includes, but is not limited to, sanitariums and any other medical facility where intensive medical treatment, including in-patient residential care, is provided.

**Hotel/Motel.** A facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, conference and meeting rooms, restaurants, and recreational facilities for the use of guests.

**House Museum.** A dwelling converted from its original principal use as a dwelling unit to a permanent, staffed institution dedicated to the collection, preservation, study, display, and educational use of objects, and which is open to the public on a regular and limited schedule, is owned and operated as a nonprofit organization, and has a board of trustees or directors to oversee its operation and management and to ensure that the institution is true to its purpose.

**Illumination System.** The totality of the equipment installed to provide exterior lighting on a developed property. "Illumination system" includes all structures, canopy, pole, and ground-mounted luminaires, including all wiring, circuitry, and other devices installed to create exterior lighting.

**Impervious Surface Coverage.** Defined in Section 2.4.

**Industrial - Light.** The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all industrial activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the industrial activity are confined entirely within the building. A light industrial use may also include a showroom and ancillary sales of products related to the items manufactured or stored on-site.

**Industrial Design.** A business where the form, usability, physical ergonomics, marketing, brand development and sales of various products are researched and developed. An industrial design establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

**Intensity of Use.** Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

**Lamp.** The component of a luminaire that produces the actual light.

**Lamp Wattage.** The amount of power of a lamp expressed in watts.

**Light Fixture.** The assembly that houses the lamp or lamps, which may include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

**Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Lighting.** Defined in Section 2.4.

**Live Performance Venue.** A facility for the presentation of live performances, including musical acts, theatrical plays or acts, stand-up comedy, magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players. A live performance venue does not include any adult entertainment.

**Live/Work Dwelling.** A structure combining a dwelling unit with a non-residential use permitted in the zoning district where the structure is located that is principally used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music and film, principally used by one or more of the residents. Live/work dwellings are subject to the standards for the individual uses contained within this Ordinance. Any area used for commercial space in a live/work dwelling cannot be converted to residential living space if the commercial component is no longer operating.

**Loading Berth.** A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

**Lot Area.** Defined in Section 2.4.

**Lot Line.** Defined in Section 2.4.

**Lot Line, Corner.** Defined in Section 2.4.

**Lot Line, Front.** Defined in Section 2.4.

**Lot Line, Interior.** Defined in Section 2.4.

**Lot Line, Rear.** Defined in Section 2.4.

**Lot Line, Street.** Any lot line that abuts a public right-of-way, excluding alleys.

**Lot of Record.** A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Cook County Recorder of Deeds, or a parcel of land which was lawfully recorded prior to the adoption and enactment of this Ordinance.

**Lot Width.** Defined in Section 2.4.



**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

**Lumen.** A unit of luminous flux. One footcandle is one lumen per square foot. For the purpose of this Ordinance, the lumen value is the initial lumen output rating of a lamp.

**Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**Luminaire, Cutoff Type.** A luminaire containing elements such as shields, reflectors, or refractor panels that direct and cutoff a direct view of the light source at a cutoff angle.

**Massage Service Establishment.** An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is offered by a licensed massage therapist as required by the State of Illinois. For the purposes of this definition, the following medical practices are not considered a massage service establishment, but are part of a medical/dental clinic per this Ordinance: massage treatment administered by licensed medical practitioners, licensed physical therapists, chiropractors, acupuncturist or other holistic medicine, or similar professional medical person licensed by the state. A massage service establishment does not include ancillary services provided as part of a health club, school, or full-service spa or salon.  
~~An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is offered. A massage service establishment does not include treatment administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state, or ancillary services provided as part of a health club, school, or full-service spa or salon.~~

**Medical/Dental Clinic.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical clinics also include alternative medicine clinics, such as acupuncture and holistic therapies, methadone clinics, and physical therapy offices for physical rehabilitation.

**Medical Marijuana Dispensary.** A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation (State of Illinois) to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. Medical use cannabis means the acquisition, administration, delivery, possession, transfer, transportation, or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

**Micro-Brewery.** A facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tap room. A tap room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside of the facility are prohibited. A separate liquor license is required for sales of alcohols manufactured on-site. (See "light industrial" for capacity in excess of 15,000 barrels per year.)

**Micro-Distillery.** A facility for the production and packaging of alcoholic beverages in quantities not to exceed 25,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside of the facility are prohibited. A separate liquor license is required for sales of alcohols manufactured on-site. (See "light industrial" for capacity in excess of 25,000 gallons per year.)

**Micro-Winery.** A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. A separate liquor license is required for sales of alcohols manufactured on-site. (See "light industrial" for capacity in excess of 25,000 gallons per year.)

**Motor Vehicle.** Any passenger vehicle, motorcycle, recreational vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

**Multi-Tenant Retail Center.** A group of three or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

**Off-Street Parking.** The storage space for a motor vehicle on premises other than streets or rights-of-way.

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

**Office.** A business that engages in the processing, manipulation or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, government office, or industrial design. An office also does not include a business that provides employment services for temporary employment of semi-skilled and unskilled workers where potential workers meet on-site for assignment.

**Open Space.** That portion of land and/or water not devoted to structures, parking or loading areas, driveways, or any principal or accessory use.

**Outdoor Dining.** A seating area that is located outdoors and contiguous to a restaurant or bar, typically in addition to an indoor seating area. Outdoor dining areas are also permitted on rooftops, when determined by the Village to be structurally sound for such use.

**Outdoor Display and Sales Area.** Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

**Owner.** A titleholder of record, or if title is held in trust, the beneficiary of the trust or the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

**Parapet.** The extension of a false front or wall above a roof-line.

**Park/Playground.** A noncommercial, public facility that serves the recreational needs of residents and visitors. Park/playground includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and park district field houses, which include public indoor recreation facilities run by the Park District of Oak Park. Parks/playgrounds may also be associated with schools.

**Parking Lot.** An open, hard-surfaced area, other than a street or public way, used for the storage of operable passenger motor vehicles, whether for compensation or at no charge. With the exception of Village-owned parking lots, all parking lots must be accessory to a principal use.

**Parking Structure.** A structure of one or more levels or floors used for the parking or storage of operable passenger motor vehicles, whether for compensation or at no charge. With the exception of Village-owned parking structures, all parking structures must be accessory to a principal use.

**Party Wall.** A wall starting from the foundation and extending continuously through all stories to or above the roof, that separates one building from another, but is in joint use by each building.

**Patio.** A hard surface designed and intended for recreational use by people and not used as a sidewalk or parking space.

**Pergola.** A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

**Person.** For the purposes of this Ordinance, any individual, corporation, association, firm, partnership, or joint venture.

**Personal Service Establishment.** A business that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, dry cleaners, and tailors. Personal service establishments do not include currency exchanges and pay day loan establishments that exchange common currencies, sell money orders, issue cashiers checks, and cash checks as its principal business activity, or provide loans to individuals in exchange for receiving personal checks or the original title to the borrower's motor vehicle as collateral respectively.

**Place of Worship.** A building, together with accessory structures and uses, where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary day care facilities and/or classrooms for weekly religious instruction.

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

**Porch.** An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof.

**Porch – Enclosed.** A porch enclosed by walls, screens, lattice or other material on more than two sides. A screened-in porch is considered an enclosed porch.

**Porch – Unenclosed.** A porch that is open on two or more sides.

**Principal Building.** A non-accessory structure in which a principal use of the lot on which it is located is conducted.

**Principal Use.** The main use of land or structures as distinguished from an accessory use.

**Property Line.** The lines bounding a lot.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department and police departments, including the dispatch, storage, and maintenance of police and fire vehicles.

**Public Works Facility.** A facility operated by the municipal public works department to provide Village services, including dispatch, storage, and maintenance of municipal vehicles.

**Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, or water towers.

**Real Estate Project Sales Office/Model Unit.** A residential unit temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

**Reception/Banquet Facility.** A facility that provides hosting and rental services of a banquet hall or similar for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

**Recreation, Indoor.** A facility for spectator and participatory uses conducted within an enclosed building, such as sports courts, bowling alleys, tumbling centers, skating centers, roller rinks, movie theaters, pool halls, and sporting exhibitions. An indoor recreation facility may include ancillary uses, such as restaurants, for the use of patrons. Indoor recreation facilities do not include public indoor recreation facilities that are run by the Park District of Oak Park and live performance venues.

**Recreation, Outdoor.** A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as sports courts, batting cages, mini-golf, and sporting exhibitions. An outdoor recreation facility may include ancillary uses, such as restaurants, for the use of patrons. Outdoor recreation facilities do not include live performance venues.

**Recreational Vehicle.** Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial or personal vehicle, including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-the-road vehicle, racing car or cycle, travel trailer, and truck camper.

**Research and Development (R&D).** A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. Research and development does not involve the manufacture, fabrication, processing, or sale of products.

**Residential Care Facility.** A group care facility licensed by the state for 24 hour medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing homes, assisted living, hospices, and continuum of care facilities.

**Restaurant.** An establishment where food and/or beverages are provided to the public, which may be offered for on-premises consumption by seated patrons, delivery, carry-out, or a combination of such. If the establishment serves alcoholic beverages, a full selection of food must also be prepared for primarily on-premise consumption by seated

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

patrons. Live entertainment may be provided as an ancillary use to a restaurant.

**Retail Goods Establishment.** A commercial enterprise that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. A retail goods establishment does not include auction houses, antique shops, consignment shops, or secondhand goods dealer, each of which are defined separately.

**Retreat House.** The use of a single-family dwelling for study, meditation, or instructional purposes that provides programming and facilities, generally including food and lodging, for a group retreat.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

**Satellite Dish Antenna.** A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

**Secondhand Goods Dealer.** A retail establishment engaging in the sale of previously used merchandise, such as clothing, household furnishings or appliances, or sports and recreational equipment. [A secondhand goods dealer does not include a pawnbroker, as defined in the Village Code.](#)

**Self-Service Storage Facility.** A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and offices may also be included. Self-storage facilities do not include any outdoor storage.

**Setback.** Defined in Section 2.4.

**Setback, Front.** Defined in Section 2.4.

**Setback, Interior Side.** Defined in Section 2.4.

**Setback, Corner Side.** Defined in Section 2.4.

**Setback, Rear.** Defined in Section 2.4.

**Setback, Reverse Corner Side.** Defined in Section 2.4.

**Shed.** An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A "shed" is typically intended to store lawn, garden, or recreational equipment.

**Sidewalk.** An improved surface, the principal purpose of which is a pedestrian walkway.

**Sight Triangle.** Defined in Section 2.4.

**Significant Tree.** A tree that is 12 inches or more caliper measured six inches above the ground and evergreen trees ten feet or more in height.

**Social Lodge/Meeting Hall.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

**Specialty Food Service.** A business that specializes in the production and/or sale of specialty food products, such as a bakery, meat market, coffee roasters, catering business, or fishmonger, and may offer areas for accessory retail sales of or restaurants that serve the products processed on-site. Specialty food service also includes preparation, processing, canning or packaging of food products where all processing is completely enclosed and there are no outside impacts.

**Stacking Space.** A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

**Stoop.** An exterior floor typically, constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

a structure. A “stoop” may be roofed and designed with railings, but cannot be enclosed. A “stoop” is also referred to as a portico.

**Storage Yard (Outdoor).** The storage of material outdoors as a principal use of the lot for more than 24 hours.

**Street.** A public or private right-of-way that affords a primary means of vehicular access to abutting property, but does not include alleys or driveways.

**Street Frontage.** That portion of the building that abuts the street. In the RR District, the street frontage is the required or allowed setback line (i.e. the “build-to” line). The street frontage requirement is expressed as a percentage of lot width.

**Structure.** Anything constructed or erected on the ground or attached to something having a permanent location on the ground including but not limited to buildings, fences, signs, sheds, or similar uses.

**Temporary Contractor’s Office and Contractor’s Yard.** A temporary, portable, or modular structure utilized as a watchman’s quarters, construction office, equipment shed, or sales center during the construction of a new development. This may include a contractor’s yard where materials and equipment are stored in conjunction with a construction project.

**Temporary Mobile Food Sales.** A truck or trailer used for the preparation and service of food served from the vehicle.

**Temporary Outdoor Entertainment/Promotional Event.** A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, carnivals/circuses, temporary worship services, and others.

**Temporary Outdoor Sales.** Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment’s regular items offered for purchase.

**Temporary Outdoor Storage Container.** Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

**Temporary Pop-Up Business.** Temporary use of a storefront or other commercial space for a non-residential use, such as retail, restaurant, or art galleries.

**Temporary Structure.** Any structure that is not permanently located, placed, or affixed in the place where it is or where it is intended to be placed.

**Tour House.** The use of a private, owner-occupied, principal-use dwelling unit, which possesses special architectural and/or historical significance, for tours by members of the public during limited hours and days of the week, conducted by the resident or owner of the dwelling unit for a fee. For the purposes of this definition, a house qualifies as “owner-occupied” and an owner qualifies as a “resident or owner” only if the owner of the house resides in the house as the owner’s principal place of residence. Also, for purposes of this definition, tours are considered as “conducted by the resident or owner” if such tours are conducted by: the resident or owner(s); any person who volunteers to conduct tours on behalf of the resident or owner without remuneration; or any person who is paid as an employee of the resident or owner to conduct tours on behalf of the resident or owner.

**Transparency.** The total area of clear glass within windows and doors, which is typically expressed as a percentage of the total facade by story.

**Unified Control.** The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

**Use.** The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

**Utility.** Facilities that produce and/or transmit basic services, such as electricity, gas, sewer, or water, including large-scale developments such as electric or gas generation plants, electrical substations, high voltage transmission lines,

and water towers and tanks. Utilities do not include public works facilities.

**Vehicle Dealership.** An establishment that sells or leases new or used automobiles and recreational vehicles. A vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the types of vehicles sold or leased by the dealership.

**Vehicle Operations Facility.** A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs, school buses, and livery vehicles. Motor vehicle operations facility does not include a public works or public safety facility, where vehicles for fire, police or other municipal departments are dispatched, stored, and/or maintained.

**Vehicle Rental.** An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

**Vehicle Repair - Major.** A business that provides services in engine rebuilding, major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles, and may include minor auto repair services.

**Vehicle Repair - Minor.** A business the provides services in minor repairs to motor vehicles, motorcycles, all-terrain vehicles (ATV) vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, replacement tires, realigning and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like.

**Village.** The Village of Oak Park.

**Village Code.** The Oak Park Village Code.

**Wall.** A constructed solid barrier of concrete, stone, brick, tile, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

**Warehouse and Distribution.** An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

**White Roof.** A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

**Wholesale Establishment.** A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

**Wireless Telecommunications.** Towers, antennas, and facilities used to transmit and receive radio-frequency signals, microwave signals, or other signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

- 1. Antenna.** A specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas. This does not include satellite dish antenna.
- 2. Tower.** A structure designed and constructed to support one or more wireless telecommunications antenna and including all appurtenant devices attached to it. Wireless telecommunications tower is inclusive of accompanying facilities, which are un-staffed structures used to house and protect the equipment necessary for processing telecommunications signals.

**Yard.** Defined in Section 2.4.

**Yard, Front.** Defined in Section 2.4.

**Yard, Interior Side.** Defined in Section 2.4.

**Yard, Corner Side.** Defined in Section 2.4.

**Yard, Rear.** Defined in Section 2.4.

**Yard, Reverse Corner Side.** Defined in Section 2.4.

**Zoning Administrator.** The Village Planner, or his/her designee including the Zoning Officer, is the Zoning Administrator. A decision by the Zoning Administrator may only be rendered once.

**Zoning Lot.** A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may or may not coincide with a lot of record.



## 2.4 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Ordinance.

### A. Block and Blockface

1. A block is a tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, or municipal boundary lines.
2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets, or between an intersecting street and a public park, cemetery, railroad right-of-way, or municipal boundary line.

#### BLOCK AND BLOCKFACE



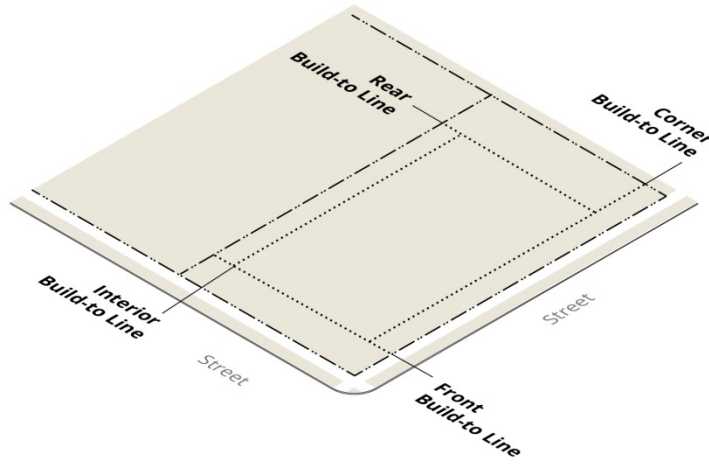
### B. Build-To Dimensions

Certain dimensional requirements with the district require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot line, where a structure must be placed. There are three types of build-to dimensions:

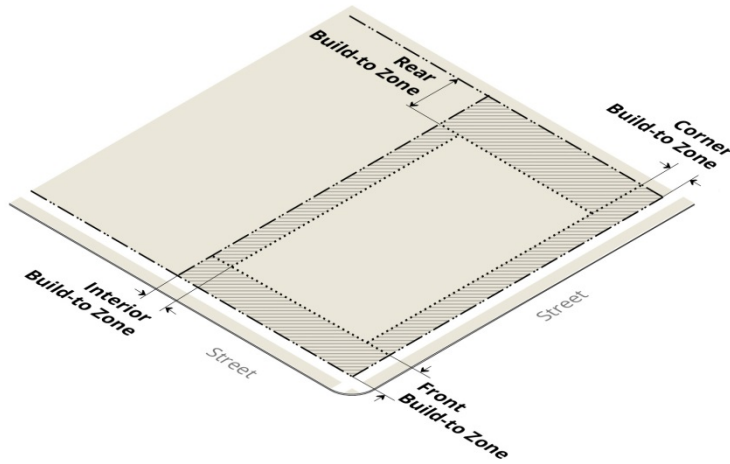
1. A build-to line (BTL) is a set building line on a lot, measured parallel from the applicable lot line, where the structure must be located.
2. A build-to zone (BTZ) is the area on a lot, measured parallel from the applicable lot line, where a structure must locate within the minimum and maximum range of setback provided.
3. A build-to percentage specifies the percentage of the building facade that must be located within a build-to line or build-to zone. Facade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage.



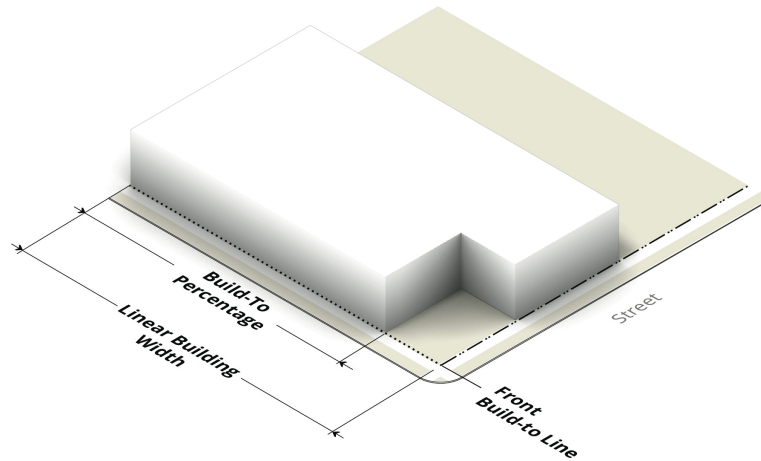
**BUILD-TO LINE (BTL)**



**BUILD-TO ZONE**



**BUILD-TO PERCENTAGE**



**C. Building Coverage**

The building coverage of a lot is the area of a lot occupied by the principal and accessory buildings. Building coverage is calculated as the percentage of principal and accessory building footprint area to the total area of the lot.

**D. Building Height**

**1. Maximum Building Height**

Maximum building height is measured as the vertical distance from the adjacent average grade, or equivalent, opposite the center of the front of a building to:

- a. The top of a flat roof, including structures designed with a decorative mansard roof concealing a flat roof.
- b. The deck line of a gambrel or mansard roof.
- c. The midpoint height between the eaves and the ridge in the case of a pitched roof.

Any dormers that extend past the roofline cannot exceed the maximum building height permitted in the district, as measured from the adjacent average grade, or its equivalent, to the top of the dormer.

**MAXIMUM BUILDING HEIGHT**



**2. Minimum Building Height**

Minimum building height is measured as the vertical distance from the adjacent average grade, or equivalent, to the top of a front or corner side façade, which includes parapet walls.

**3. Height Encroachments**

The following structures or parts thereof are exempt from the height limitations of the districts if they are 25% or less of the total floor area of the roof footprint:

- a. Public utility poles, towers, and wires.
- b. Water tanks and standpipes.
- c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, roof gardens, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

**4. Roof Types**

For the purposes of building height measurement, roof types are defined as follows:

**a. Flat Roof**

A roof that is not pitched and where the surface of the roof is generally parallel to the ground. A mono-pitched roof, also called a shed roof, is a single-sloping roof surface, and is also considered a flat roof.

**b. Mansard or Gambrel Roof**

A two-sided roof with two slopes on each side. The upper slope is positioned at a shallow angle, while the lower slope is steep. A gambrel roof has vertical gable ends, while a mansard roof is hipped at the four corners of the building.

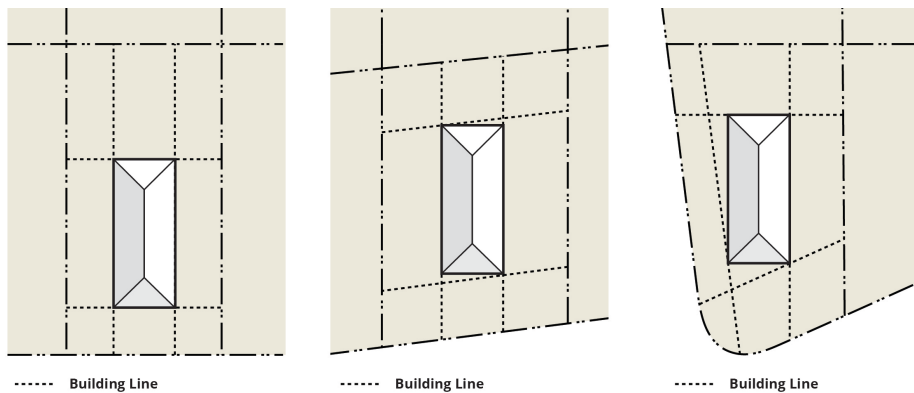
**c. Pitched Roof**

A gable or hip roof having a slope or pitch of at least one foot rise for each four feet of horizontal distance in the direction of the slope or pitch of the roof. A hipped roof is sloped in two pairs of directions compared to the one pair of direction for a gable roof.

**E. Building Line**

A line established at the building facade of a structure between lot lines. For the purposes of establishing a building line, the building facade does not include permitted encroachments or architectural features, such as bay windows, eaves, and steps and stoops. For irregular lots where the lot lines are not parallel, the building line is established as a line from the point of the structure closest to the lot line, drawn parallel to the applicable lot line.

**BUILDING LINE**



**F. Caliper**

The diameter of the trunk of a tree in inches at a point measured six inches above the ground.

**G. Diameter at Breast Height (DBH)**

The diameter of the trunk of a tree measured in inches at a point 4.5 feet above ground level. This point of measurement is used for mature and established trees.

**H. Fraction**

In terms of calculation of Ordinance requirements for required vehicle, bicycle, and loading spaces and for required plantings for landscape, any fraction is rounded up to nearest whole number.

**I. Grade**

Grade is measured as the average level of the finished surface of the ground adjacent to the exterior walls of the structure.

**J. Gross Floor Area (GFA)**

The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

**K. Impervious Surface Coverage**

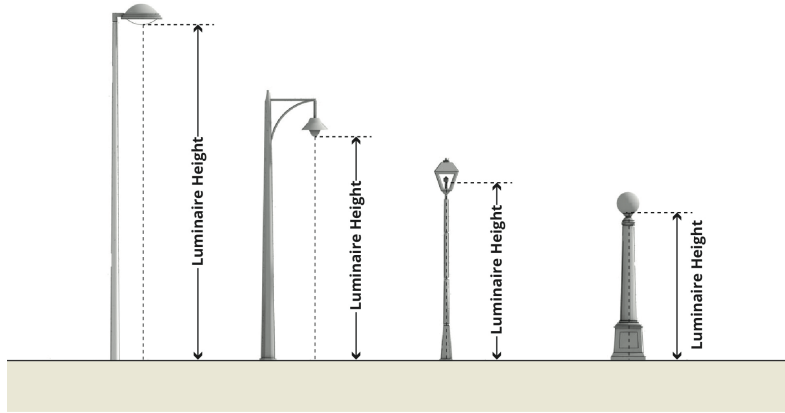
1. Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water.
2. Impervious surface coverage is calculated as the percentage of all impervious surface area of the total area of the lot.
3. If permeable pavers are used, such paving is not included in the calculation of impervious surface for up to 20% of total paved surface used in the coverage calculation, provided acceptable installation techniques are applied as determined by the Village
4. The following impervious surface coverage bonus is allotted if green roofs are installed:
  - a. Any green roof with a minimum of three inches and a maximum of six inches of growing media and a slope of zero to 12% may be used as an impervious surface bonus on a 2:1 basis. For example, every two square feet of green roof counts as one square foot when calculating impervious surface.
  - b. Any green roof with a minimum of three inches and a maximum of six inches of growing media and a slope greater than 12% may be used as an impervious surface bonus on a 3:1 basis. For example, every three square feet of green roof counts as one square foot when calculating impervious surface.
  - c. In order to be eligible, all green roofs must be designed by a licensed landscape architect or equivalent licensed design professional, and constructed and maintained in accordance with the International Code Council's (ICC) "Green Construction Code," "ANSI/SPRI VF-1 External Fire Design Standard for Vegetative Roofs" (January 2010) and "ANSI RP12 Wind Uplift Design Standard for Green Roofs" (July 2010), as amended from time to time.
  - d. In order to maintain credit, all green roofs must be watered, weeded, and otherwise maintained in accordance with industry best practices.

**L. Lighting**

**1. Luminaire Height**

The height of a luminaire is measured as the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

**LUMINAIRE HEIGHT**



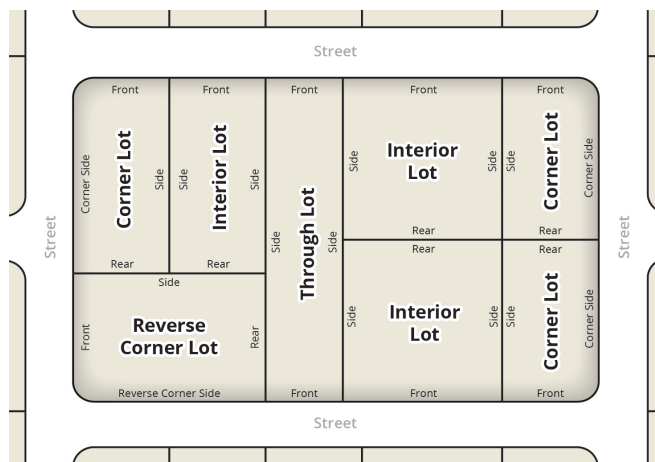
**2. Footcandle**

- a. A footcandle (FC) is a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.
- b. Footcandle is measured utilizing a direct reading, portable light meter mounted in a horizontal position.

**M. Lot**

- 1. Interior lot is a lot other than a corner, reverse corner, or through lot, typically bounded by two interior side lot lines.
- 2. Corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
- 3. Reverse corner lot is a corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.
- 4. Through lot is a lot that has frontage on two non-intersecting streets creating two front lot lines.

**LOT TYPES**



**N. Lot Area**

The total area of a lot calculated as the total area bounded by the front, side, and rear lot lines.

**O. Lot Line**

A lot line is the property boundary line of any lot. Lot lines are located as follows:

**1. Front Lot Line**

- a. The front lot line of an interior lot is the lot line that abuts a street, located parallel to an alley.
- b. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street.
- c. A front lot line for a through lot is established as follows:
  - i. Where a front lot line has been previously established, that street lot line is designated as the front lot line.
  - ii. Where a front line has not been previously established, one of the two street lot lines will be designated by the Zoning Administrator as the front lot line.
  - iii. For the purposes of this section, previously established means one or more structures along the same blockface have established front entrances along the same street lot line.

**2. Interior Side Lot Line**

The interior side lot line is a lot line not abutting a street that is not a rear lot line.

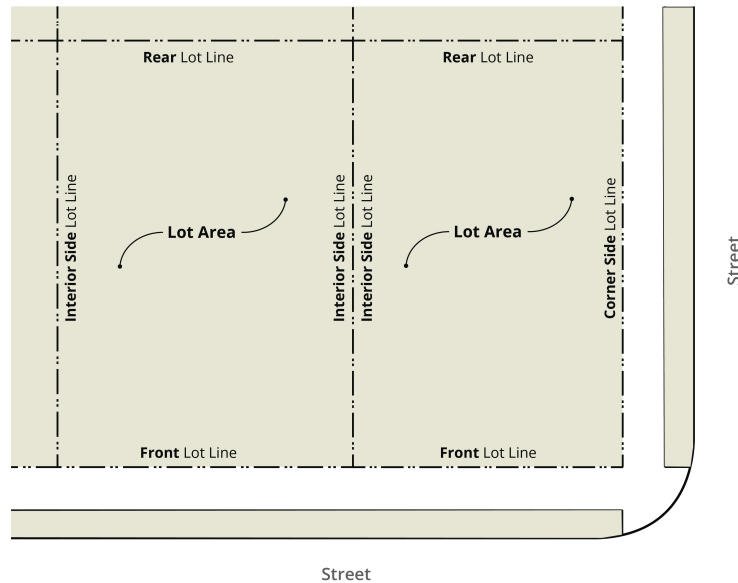
**3. Corner Side Lot Line**

The lot line that is perpendicular or approximately perpendicular to the front lot line, which is the longer street abutting lot line of a corner lot.

**4. Rear Lot Line**

The rear lot line is that lot line which is opposite and most distant from and is, or most nearly is, parallel to the front lot line.

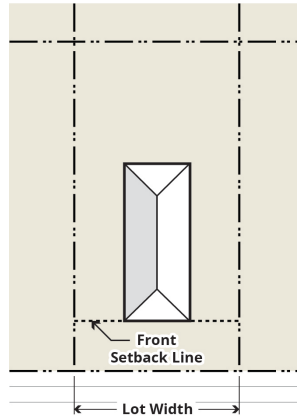
**LOT LINES AND LOT AREA**



**P. Lot Width**

Lot width is the horizontal distance between the side lot lines of a lot measured at the required front setback line.

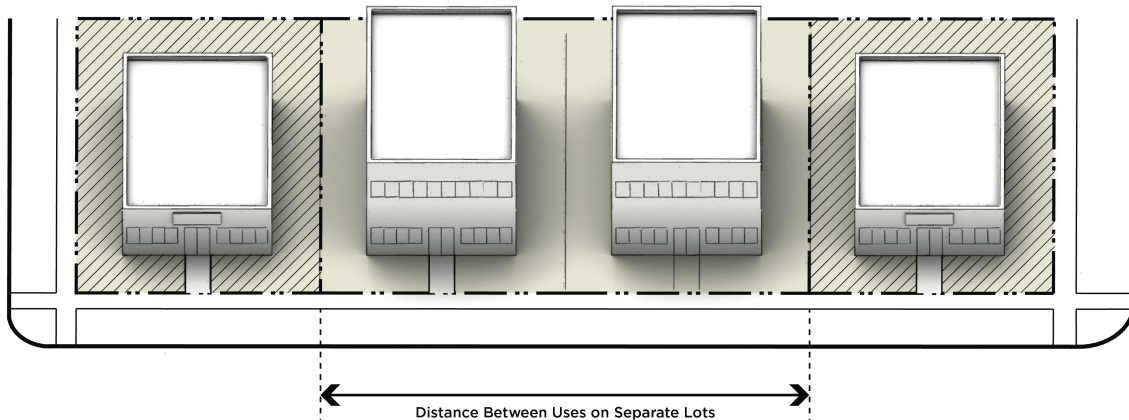
**LOT WIDTH**



**Q. Spacing/Separation/Required Distance Between**

When the Ordinance requires separation between uses, such separation is measured between the closest lot lines of the two lots.

**SPACING/SEPARATION/REQUIRED DISTANCE BETWEEN**



**R. Sight Triangle**

A sight triangle is measured as defined in Article 11, Chapter 15 and Section 8, Article 1, Chapter 25 of the Village Code.

**S. Yards and Setbacks**

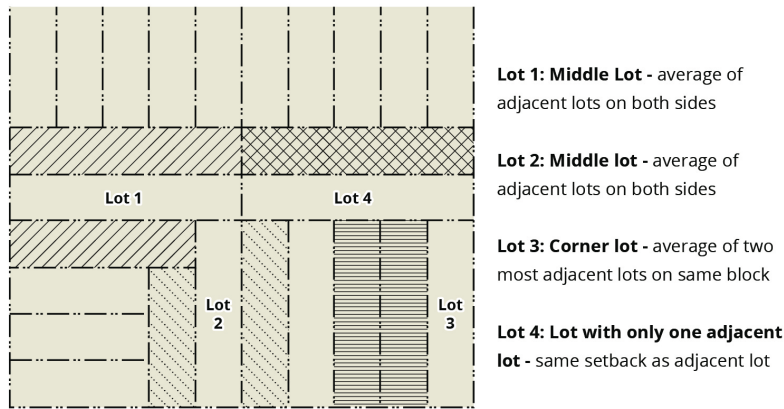
A yard is the open space area between a principal building and the adjoining lot line. A required setback may be equal to or lesser than a yard and is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any portion of a principal building or accessory structure, unless permitted by this Ordinance. A setback extends along a lot line for the minimum depth specified by the zoning district in which such lot is located.

**1. Front Yard and Setback**

a. A front yard is located between a principal building and the front lot line. A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line. The front yard and setback extends the full width of the lot between side lot lines measured perpendicular to the front lot line.

b. In the residential districts, where front yard averaging is permitted, the average front setback of the adjacent lots on either side of a lot may be used to establish the required front setback. Averaging is based on the two adjacent lots on either side or, in the case of a corner lot, the next two adjacent lots. In the case of a lot configuration where only one lot is available for averaging, the required front setback is that of the adjacent lot.

**FRONT YARD AVERAGING**



**2. Interior Side Yard and Setback**

An interior side yard is located between a principal building and the interior side lot line. An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line. The interior side yard and setback extends along the interior side lot line between the front and rear yards, measured perpendicular to the interior side lot line.

**3. Corner Side Yard and Setback**

A corner side yard is located between a principal building and the corner side lot line. A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line. The corner side yard and setback extends along the corner side lot line between the front yard and the rear lot line, measured perpendicular to the corner side lot line.

**4. Rear Yard and Setback**

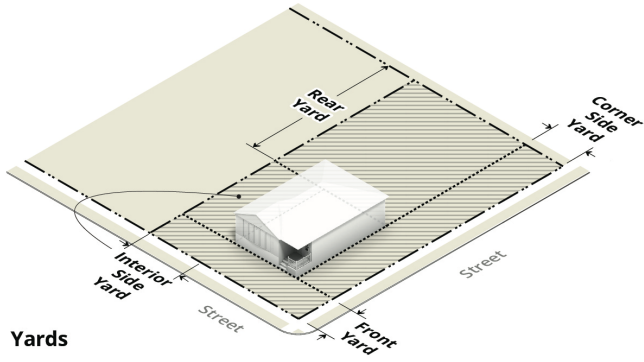
A rear yard is located between a principal building and the rear lot line. A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line. The rear yard and setback extends between interior side lot lines, measured perpendicular to the rear lot line. In the case of a corner lot, the rear yard and setback extends between the interior side lot line to the required corner side setback, measured perpendicular to the rear lot line.

**5. Reverse Corner Side Yard and Setback**

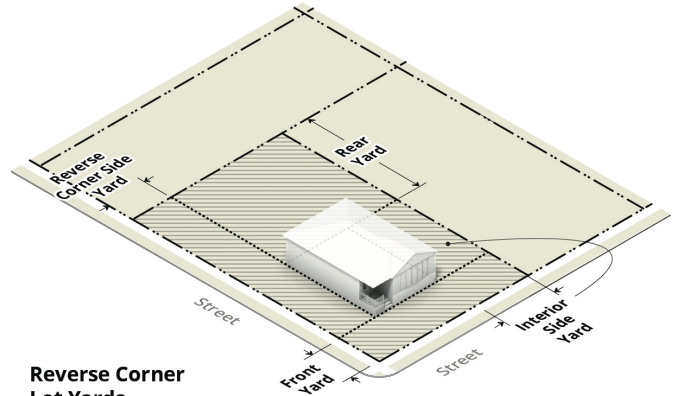
A reverse corner side yard is located between a principal building and the corner side lot line, where the corner side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear. A reverse corner side setback is the required minimum distance per the zoning district that a principal building must be located from corner side lot line. The reverse corner side yard and setback extends along the corner side lot line between the front yard and the rear lot line, measured perpendicular to the corner side lot line.



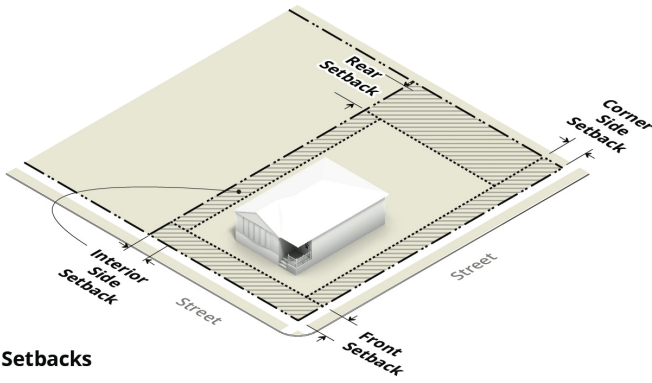
YARDS AND SETBACKS



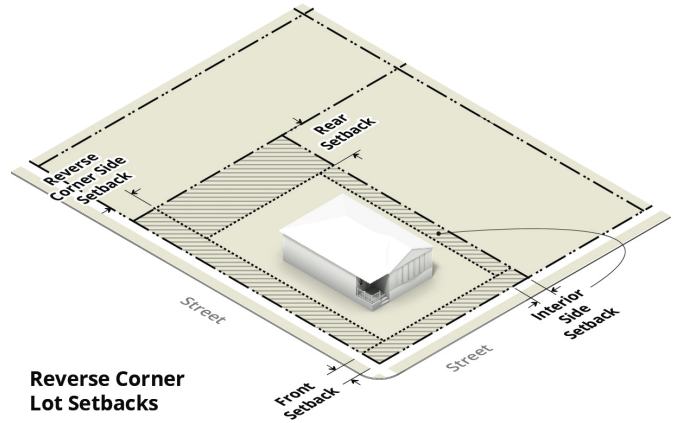
Yards



Reverse Corner Lot Yards



Setbacks



Reverse Corner Lot Setbacks



## ARTICLE 3. ZONING DISTRICTS

- 3.1 DISTRICTS
- 3.2 ZONING MAP
- 3.3 EXEMPTIONS FOR RIGHTS-OF-WAY AND PUBLIC UTILITIES

### 3.1 DISTRICTS

In order to carry out the purpose and intent of this Ordinance, the Village of Oak Park is divided into the following zoning districts:

#### A. Residential Districts

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3-50 Single-Family Residential District
- R-3-35 Single-Family Residential District
- R-4 Single-Family Residential District
- R-5 Two-Family Residential District
- R-6 Multi-Family Residential District
- R-7 Multi-Family Residential District

#### B. Commercial Districts

- DT Downtown Zoning District
- GC General Commercial District
- HS Harrison Street Zoning District
- MS Madison Street Zoning District
- NA North Avenue Commercial District
- NC Neighborhood Commercial District
- RR Roosevelt Road Form-Based District

#### C. Special Purpose Districts

- OS Open Space Zoning District
- I Institutional Zoning District
- H Hospital Zoning District

### 3.2 ZONING MAP

#### A. Location of Districts

1. The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map is incorporated into, and made part of, this Ordinance.
2. It is the intent of this Ordinance that the entire area of the Village are included in the zoning districts established by this Ordinance. Any land lying within the Village, but not shown on the Official Zoning Map as being included within a district, is classified as the R-1 District.

#### B. Interpretation of Boundary Lines

##### 1. Right-of-Way Lines

Where zoning district boundary lines coincide with streets, highways, expressways, easements, or railroads, the boundary line is construed to be the centerline of the right-of-way.

##### 2. Property Lines

Where zoning district boundary lines coincide with a recorded property line, the property line is construed to be the boundary line of the district.

**3. Scaled Lines**

Where the district boundary lines do not coincide with a right-of-way line or recorded property line, the district boundary is determined by measuring such boundary line(s) by using the map scale as provided on the Official Zoning Map.

**4. Clarification of Boundary Lines**

The Zoning Administrator will decide any interpretations of zoning district boundary lines, where the application of this Section leaves doubt as to the boundary between two zoning districts.

**3.3 EXEMPTIONS FOR RIGHTS-OF-WAY AND PUBLIC UTILITIES**

- A. The provisions of this Ordinance do not apply to land located within public rights-of-way.
- B. The following utility uses are exempt from the provisions of this Ordinance and permitted in any district: wires, cables, conduits, vaults, laterals, pipes, mains, hydrants, valves, and water supply wells.
- C. This exemption does not include utilities, as defined in Article 2, wireless telecommunications, amateur HAM radio towers, solar panels, or wind turbines, unless operated by a government agency. All such structures must comply with this Ordinance and any other applicable Village ordinances.

## ARTICLE 4. RESIDENTIAL DISTRICTS

- 4.1 PURPOSE STATEMENTS
- 4.2 USES
- 4.3 DIMENSIONAL STANDARDS
- 4.4 GENERAL STANDARDS OF APPLICABILITY

### 4.1 PURPOSE STATEMENTS

#### A. R-1 Single-Family Residential District

The R-1 Single-Family Residential District is intended to preserve and protect the unique character of Oak Park's existing estate-type lots improved with single-family dwellings, many of which have historic or architectural significance. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted in the R-1 District.

#### B. R-2 Single-Family Residential District

The R-2 Single-Family Residential District is intended to accommodate Oak Park's low-density residential neighborhoods, characterized by single-family dwellings on large lots. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted in the R-2 District.

#### C. R-3-50 Single-Family Residential District

The R-3-50 Single-Family Residential District is intended to accommodate various neighborhoods within Oak Park characterized by single-family dwellings located on moderate-sized lots a minimum of 5,000 square feet or greater in area. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted in the R-3-50 District.

#### D. R-3-35 Single-Family Residential District

The R-3-35 Single-Family Residential District is intended to accommodate various neighborhoods within Oak Park characterized by single-family dwellings that exhibit characteristics and dimensional attributes similar to those in the R-3-50 district, but are located on lots that are a minimum of 3,500 square feet or greater in area. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted in the R-3-35 District.

#### E. R-4 Single-Family Residential District

The R-4 Single-Family Residential District is intended to accommodate various neighborhoods within Oak Park characterized by small single-family dwellings located on urban-sized lots. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted in the R-4 District.

#### F. R-5 Two-Family Residential District

The R-5 Two-Family Residential District is intended to accommodate a neighborhood environment characterized by a mixture of small single-family dwellings and two-family dwellings on urban to moderate-sized lots. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted in the R-5 District.

#### G. R-6 Multi-Family Residential District

The R-6 Multi-Family Residential District is intended to accommodate a neighborhood environment characterized by a mixture of housing types including single-family dwellings, two-family dwellings, and low density townhouses and multi-family dwellings. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted in the R-6 District.

#### H. R-7 Multi-Family Residential District

The R-7 Multi-Family Residential District is intended to accommodate a neighborhood environment characterized by a mixture of housing types including single-family dwellings, two-family dwellings, and moderate density townhouses and multi-family dwellings. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted in the R-7 District.

#### **4.2 USES**

Article 8 lists permitted and special principal uses and temporary uses for the residential districts.

#### **4.3 DIMENSIONAL STANDARDS**

Table 4-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

#### **4.4 GENERAL STANDARDS OF APPLICABILITY**

##### **A. Design Standards**

Multi-family dwellings, as well as any non-residential development within the residential districts, must meet the design standards of Article 7.

##### **B. Site Development Standards**

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

##### **C. Off-Street Parking and Loading**

See Article 10 for off-street parking and loading standards and requirements.

##### **D. Landscape**

See Article 11 for landscape, buffering, and screening standards and requirements.

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

<b>Table 4-1: Residential Districts Dimensional Standards</b>				
<b>Residential Districts</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3-50</b>	<b>R-3-35</b>
<b>Bulk Standards</b>				
<b>Minimum Lot Area</b>	10,000 sq.ft. Park/Playground: None	SF: 6,200 sq.ft. Non-Residential: 10,000 sq.ft. Park/Playground: None	SF: 5,000 sq.ft. Non-Residential: 10,000 sq.ft. Park/Playground: None	SF: 3,500 sq.ft. Non-Residential: 10,000 sq.ft. Park/Playground: None
<b>Minimum Lot Width</b>	50' Park/Playground: None	50' Park/Playground: None	40' Non-Residential: 50' Park/Playground: None	35' Non-Residential: 50' Park/Playground: None
<b>Maximum Building Height</b>	30' Non-Residential: 30' but may go to 45' if building set back 1 additional foot from each required setback for each additional 2 feet of building height above 30'	30' Non-Residential: 30' but may go to 45' if building set back 1 additional foot from each required setback for each additional 2 feet of building height above 30'	30' Non-Residential: 30' but may go to 45' if building set back 1 additional foot from each required setback for each additional 2 feet of building height above 30'	30' Non-Residential: 30' but may go to 45' if building set back 1 additional foot from each required setback for each additional 2 feet of building height above 30'
<b>Maximum Building Coverage</b>	35%	35%	40%	50%
<b>Maximum Impervious Surface</b>	50% Non-Residential: 70%	50% Non-Residential: 70%	50% Non-Residential: 70%	60% Non-Residential: 70%
<b>Required Setbacks</b>				
<b>Minimum Front Setback</b>	30' or average of front setback of abutting structures  In no event shall this regulation require a front yard of more than 60'	30' or average of front setback of abutting structures  In no event shall this regulation require a front yard of more than 60'	20' or average of front setback of abutting structures  In no event shall this regulation require a front yard of more than 50'	20' or average of front setback of abutting structures  In no event shall this regulation require a front yard of more than 50'
<b>Minimum Interior Side Setback</b>	6'	6'	5'	5' or 10% of lot width, whichever is less
<b>Minimum Corner Side Setback</b>	9' Required corner side setback may be reduced to maintain a buildable width of 35', but in no case may be less than 6'	9' Required corner side setback may be reduced to maintain a buildable width of 35', but in no case may be less than 6'	8' Required corner side setback may be reduced to maintain a buildable width of 32', but in no case may be less than 5'	8' Required corner side setback may be reduced to maintain a buildable width of 32', but in no case may be less than 5'
<b>Minimum Reverse Corner Side Setback - SF &amp; 2F Only</b>	9', or ½ of the sum of 9' plus the existing front setback of the lot whose front lot line is substantially a continuation of the reverse corner side lot line, whichever is greater  Required reverse corner side setback may be reduced to maintain a buildable width of 35', but in no case may be less than 6'	9', or ½ of the sum of 9' plus the existing front setback of the lot whose front lot line is substantially a continuation of the reverse corner side lot line, whichever is greater  Required reverse corner side setback may be reduced to maintain a buildable width of 35', but in no case may be less than 6'	8', or ½ of the sum of 8' plus the existing front setback of the lot whose front lot line is substantially a continuation of the reverse corner side lot line, whichever is greater  Required reverse corner side setback may be reduced to maintain a buildable width of 32', but in no case may be less than 5'	8', or ½ of the sum of 8' plus the existing front setback of the lot whose front lot line is substantially a continuation of the reverse corner side lot line, whichever is greater  Required reverse corner side setback may be reduced to maintain a buildable width of 32', but in no case may be less than 5'
<b>Minimum Rear Setback</b>	35' or 20% of lot depth, whichever is less	35' or 20% of lot depth, whichever is less	30' or 20% of lot depth, whichever is less	30' or 20% of lot depth, whichever is less

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

<b>Table 4-1: Residential Districts Dimensional Standards</b>				
<b>Residential Districts</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>R-7</b>
<b>Bulk Standards</b>				
<b>Minimum Lot Area</b>	SF: 3,500 sq.ft. Non-Residential: 10,000 sq.ft. Park/Playground: None	SF: 3,500 sq.ft. 2F: 5,000 sq.ft. Non-Residential: 10,000 sq.ft. Park/Playground: None	SF: 3,500 sq.ft. 2F: 5,000 sq.ft. TH & MF: 5,000 sq.ft. + 900 sq.ft. for each du after first 2 du Non-Residential: 10,000 sq.ft. Park/Playground: None	SF: 3,500 sq.ft. 2F: 5,000 sq.ft. TH & MF: 5,000 sq.ft. + 700 sq.ft. for each du after first 2 du Non-Residential: 10,000 sq.ft. Park/Playground: None
<b>Minimum Lot Width</b>	30' Non-Residential: 50' Park/Playground: None	SF: 35' 2F: 50' Non-Residential: 50' Park/Playground: None	SF: 35' 2F: 50' TH & MF: 60' Non-Residential: 50' Park/Playground: None	SF: 35' 2F, TH & MF: 50' Non-Residential: 50' Park/Playground: None
<b>Maximum Building Height</b>	30' Non-Residential: 30' but may go to 45' if building set back 1 additional foot from each required setback for each additional 2 feet of building height above 30'	35' Non-Residential: 35' but may go to 45' if building set back 1 additional foot from each required setback for each additional 2 feet of building height above 35'	35' Non-Residential: 35' but may go to 45' if building set back 1 additional foot from each required setback for each additional 2 feet of building height above 35'	45' Non-Residential: 45' but may go to 55' if building set back 1 additional foot from each required setback for each additional 2 feet of building height above 45'
<b>Maximum Building Coverage</b>	60%	SF: 40% 2F: 50%	SF: 40% 2F: 50% TH & MF: 60%	SF: 40% 2F: 50% TH & MF: 70%
<b>Maximum Impervious Surface</b>	60% Non-Residential: 70%	SF: 65% 2F: 70% Non-Residential: 70%	SF: 65% 2F: 70% TH & MF: 75% Non-Residential: 75%	SF: 65% 2F: 70% TH & MF: 80% Non-Residential: 80%
<b>Required Setbacks</b>				
<b>Minimum Front Setback</b>	20' or average of front setback of abutting structures  In no event shall this regulation require a front yard of more than 50'	20' or average of front setback of abutting structures  In no event shall this regulation require a front yard of more than 50'	20'	15'
<b>Minimum Interior Side Setback</b>	5' or 10% of lot width, whichever is less	5'	Lots 50' or less in width: 5' Lots greater than 50' in width: 10% of lot width, or 10', whichever is less	Lots 50' or less in width: 5' Lots greater than 50' in width: 10% of lot width, or 10', whichever is less
<b>Minimum Corner Side Setback</b>	8'  Required corner side setback may be reduced to maintain a buildable width of 30', but in no case may be less than 5'	8'  Required corner side setback may be reduced to maintain a buildable width of 30', but in no case may be less than 5'	Lots 50' or less in width: 8' Lots greater than 50' in width: 15% of lot width, or 15', whichever is less  Required corner side setback may be reduced to maintain a buildable width of 25', but in no case may be less than 5'	Lots 50' or less in width: 8' Lots greater than 50' in width: 15% of lot width, or 15', whichever is less  Required corner side setback may be reduced to maintain a buildable width of 25', but in no case may be less than 5'
<b>Minimum Reverse Corner Side Setback - SF &amp; 2F Only</b>	8', or ½ of the sum of 8' plus the existing front setback of the lot whose front lot line is substantially a continuation of the reverse corner side lot line, whichever is greater  Required reverse corner side setback may be reduced to maintain a buildable width of 30', but in no case may be less than 5'	8', or ½ of the sum of 8' plus the existing front setback of the lot whose front lot line is substantially a continuation of the reverse corner side lot line, whichever is greater  Required reverse corner side setback may be reduced to maintain a buildable width of 30', but in no case may be less than 5'	8', or ½ of the sum of 8' plus the existing front setback of the lot whose front lot line is substantially a continuation of the reverse corner side lot line, whichever is greater  Required reverse corner side setback may be reduced to maintain a buildable width of 25', but in no case may be less than 5'	8', or ½ of the sum of 8' plus the existing front setback of the lot whose front lot line is substantially a continuation of the reverse corner side lot line, whichever is greater  Required reverse corner side setback may be reduced to maintain a buildable width of 25', but in no case may be less than 5'
<b>Minimum Rear Setback</b>	25' or 20% of lot depth, whichever is less	25' or 20% of lot depth, whichever is less	25' or 20% of lot depth, whichever is less	25' or 20% of lot depth, whichever is less



## ARTICLE 5. COMMERCIAL DISTRICTS

- 5.1 PURPOSE STATEMENTS
- 5.2 USES
- 5.3 DIMENSIONAL STANDARDS
- 5.4 RR DISTRICT DIMENSIONAL AND DESIGN STANDARDS
- 5.5 GENERAL STANDARDS OF APPLICABILITY

### 5.1 PURPOSE STATEMENTS

#### A. DT Downtown Zoning District

The DT Downtown Zoning District is intended for the greater downtown area including the three sub-districts identified below. The DT District covers the most concentrated area of retail, service, and office within a pedestrian-oriented shopping district. The district also encourages the integration of residential, especially mixed-use development. The DT District is divided into three sub-districts, as follows and shown in Figure 5-1: Downtown Sub-Districts.

##### 1. DT-1 Downtown Central Sub-District

The DT-1 Downtown Central Sub-District covers the most intensely developed portion of the Downtown, emphasizing an active, lively mixed-use environment with retail and entertainment located on the ground floor along the street, and a variety of uses above, including residential.

##### 2. DT-2 Hemingway Sub-District

The DT-2 Hemingway Sub-District is intended to accommodate the vital, historic business community located in Downtown Oak Park, and characterized by an environment that is pedestrian-friendly, mid-rise in scale, and mixed-use in nature, providing a wide range of retail and service uses.

##### 3. DT-3 Pleasant Sub-District

The DT-3 Pleasant Sub-District is located adjacent to the Downtown Center and is intended to accommodate the pedestrian-friendly, lower-intensity mix of small floor plate retail, personal service, and entertainment uses that support the vitality of the Downtown Center.

#### B. GC General Commercial District

The GC General Commercial District is intended to primarily address those areas of the Village that have a variety of commercial uses, including uses that may be more auto-oriented and heavier in nature. GC District standards are meant to allow more intensive uses with design and development controls that manage the impacts of those uses.

#### C. HS Harrison Street Zoning District

The HS Harrison Street Zoning District is intended to accommodate the Oak Park Arts District on Harrison Street spanning approximately nine blocks west from Austin Boulevard. The HS District addresses the area's unique blend of retail, studio/performance space, and service establishments, and reinforces the small-scale, walkable urban neighborhood character of the district.

#### D. MS Madison Street Zoning District

The MS Madison Street Zoning District is intended to focus the orientation of the Madison Street corridor to create an aesthetically appealing, vibrant mixed-use district that is pedestrian friendly and accommodates all Village residents and visitors to the community.

#### E. NA North Avenue Zoning District

The NA North Avenue Zoning District is intended to accommodate the North Avenue corridor. The NA District addresses commercial uses of various scales, including larger auto-oriented retail, individual storefronts, and retail centers, while improving the pedestrian environment along the corridor. Higher density residential and mixed-use development is also encouraged.

FIGURE 5-1: DOWNTOWN SUB-DISTRICTS



**F. NC Neighborhood Commercial Zoning District**

The NC Neighborhood Commercial Zoning District is intended for commercial uses that serve the local community. The NC District applies to clusters of commercial uses that are more pedestrian-oriented in character and located in close proximity to residential neighborhoods.

**G. RR Roosevelt Road Form-Based District**

The RR Roosevelt Road Zoning District is intended to promote a more pedestrian-oriented development pattern along Roosevelt Road while also recognizing that the street is a heavily traveled thoroughfare. In many cases, the standards for building form and design are intended to maximize pedestrian comfort and safety. In other circumstances, the intention is to balance the need for a building form that promotes pedestrian shopping and traffic with the need to accommodate high volumes of vehicle traffic and the significant demand for parking associated with certain businesses located along the Roosevelt Road corridor.

**5.2 USES**

Article 8 lists permitted and special principal uses and temporary uses for the commercial districts. Additional use restrictions for the RR Roosevelt Road Zoning District are found in Section 5.4 of this Article.

**5.3 DIMENSIONAL STANDARDS**

Table 5-1: Commercial Districts Dimensional Standards establishes the dimensional standards for the commercial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. Standards for RR Roosevelt Road Zoning District are found in Section 5.4 of this Article.

<b>Table 5-1: Commercial Districts Dimensional Standards</b>			
<b>Commercial Districts</b>	<b>DT</b>	<b>GC</b>	<b>HS</b>
<b>Bulk Standards</b>			
<b>Minimum Lot Area</b>	Non-Residential & Mixed-Use: None Multi-Family: 750 sq. ft./du	Non-Residential: None Mixed-Use: 750 sq. ft./du Multi-Family: 1,000 sq. ft./du Townhouse: 5,000 sq. ft.	Non-Residential & Mixed-Use: None Multi-Family: 1,000 sq. ft./du
<b>Minimum Building Height</b>	20'	N/A	20'
<b>Maximum Building Height</b>	See Figure 5-2	45'	45'
<b>Required Setbacks</b>			
<b>Street Setback</b>	Build-to line of 0'	None required	Non-Residential & Mixed-Use: Build-to line of 0'  Multi-Family: Build-to zone of 0' to 5'
<b>Interior Side Setback</b>	Non-Residential & Mixed-Use: Build-to line of 0' Multi-Family: None required	Non-Residential & Mixed-Use: Build-to zone of 0' to 10' Multi-Family & Townhouse: 5' minimum	Non-Residential & Mixed-Use: Build-to zone of 0' to 10' Multi-Family & Townhouse: 5' minimum
<b>Rear Setback</b>	None, unless abutting a residential district, then 15', as measured from the lot line of the adjoining lot to the rear, inclusive of any alley right-of-way	10' where an alley is present, measured from GC District lot line; If no alley, 15' measured from the property line of the adjoining lot to the rear	10' where an alley is present, measured from HS District lot line; If no alley, 15' measured from the property line of the adjoining lot to the rear

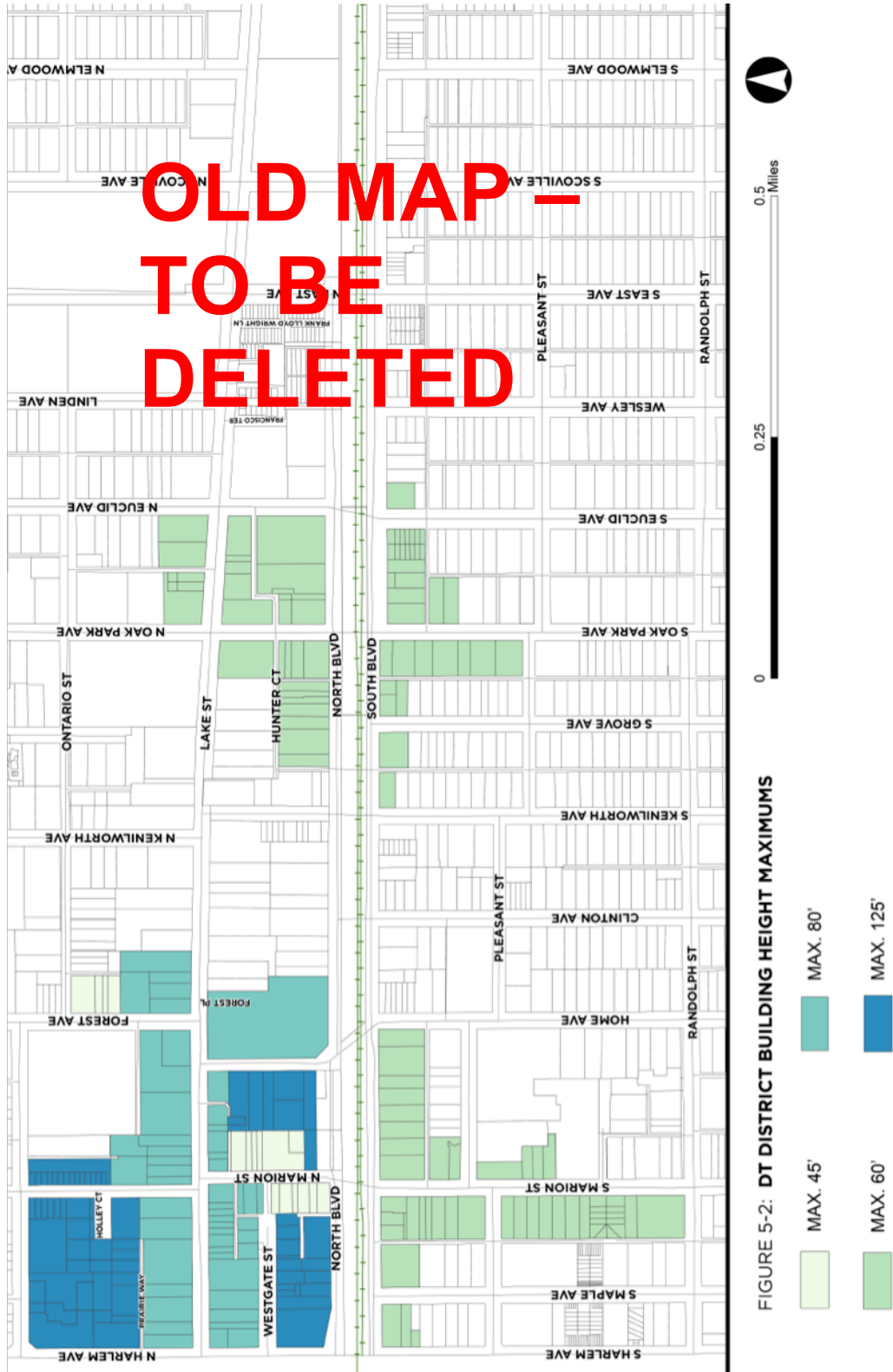
FIGURE 5-2: HEIGHT MAP



FIGURE 5-2: DT DISTRICT BUILDING HEIGHT MAXIMUMS

- MAX. 45'
- MAX. 60'
- MAX. 80'
- MAX. 125'

FIGURE 5-2: HEIGHT MAP



**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

<b>Table 5-1: Commercial Districts Dimensional Standards</b>			
<b>Commercial Districts</b>	<b>MS</b>	<b>NA</b>	<b>NC</b>
<b>Bulk Standards</b>			
<b>Minimum Lot Area</b>	Non-Residential & Mixed-Use: None Multi-Family: 750 sq. ft./du Townhouse: 5,000 sq. ft.	Non-Residential: None Mixed-Use: 750 sq. ft./du Multi-Family: 1,000 sq. ft./du Townhouse: 5,000 sq. ft.	Non-Residential: None Mixed-Use: 750 sq. ft./du Multi-Family: 1,500 sq. ft./du Townhouse: 5,000 sq. ft.
<b>Minimum Building Height</b>	20'	N/A	N/A
<b>Maximum Building Height</b>	Non-Residential & Mixed-Use: 50' Multi-Family: 50' Townhouse: 35'	45'	45' Places of worship, cultural facility, educational facility: 45' but may go to 55' if building set back 1 additional foot from each required setback for each additional 2 feet of building height above 45'
<b>Required Setbacks</b>			
<b>Street Setback</b>	Between Austin & Oak Park: Build-to zone of 0'to 5' Between Harlem & Oak Park: Build-to zone of 3' to 5' Along major north/south cross streets of Harlem, Oak Park, Ridgeland, Austin: Build-to zone of 5' to 15' Along all other north/south cross streets: Build-to zone of 0' to 15'	None required	Build-to zone of 0' to 5'
<b>Interior Side Setback</b>	Non-Residential & Mixed-Use: Build-to line of 0' Multi-Family: None required Townhouse: 5' minimum	Non-Residential & Mixed-Use: Build-to zone of 0' to 10' Multi-Family & Townhouse: 5' minimum	Non-Residential & Mixed-Use: Build-to zone of 0' to 10' Multi-Family & Townhouse: 5' minimum
<b>Rear Setback</b>	25', as measured from the lot line of the adjoining lot to the rear, inclusive of any alley right-of-way	10' where an alley is present, measured from NA District lot line; If no alley, 15' measured from the property line of the adjoining lot to the rear	10' where an alley is present, measured from NC District lot line; If no alley, 15' measured from the property line of the adjoining lot to the rear

**5.4 RR DISTRICT DIMENSIONAL AND DESIGN STANDARDS**

**A. Applicability**

1. Where the RR District contains regulations that conflict with the regulations of the Zoning Ordinance, the regulations of the RR District control. Where the RR District does not provide specific regulations, the applicable regulations of the Zoning Ordinance apply.
2. All developments in the RR District are subject to design review in accordance with Section 7.3.

**B. Boundaries and Form-Based Zones**

The boundaries of the RR District include all business and commercial zoned properties that are adjacent to or front on Roosevelt Road. The RR District is divided into three form-based zones as follows:

**1. Roosevelt Road Pedestrian-Oriented District**

The RR-P Pedestrian-Oriented District is intended to preserve, protect and enhance existing pedestrian shopping areas located along Roosevelt Road. These areas are characterized by buildings built out to or near the sidewalk and buildings with street-facing entries and display or shop windows that enhance the pedestrian environment. Parking, when provided, is located at the rear of buildings or is enclosed within the building. (Home Avenue to Oak Park Avenue and Ridgeland Avenue to Lombard Avenue)

**2. Roosevelt Road Transitional District**

The RR-T Transitional District is intended to encourage pedestrian-oriented development and design along Roosevelt Road while recognizing that many of these transitional areas have been significantly altered to accommodate vehicle parking, driveways, and other auto-oriented site features. These areas are characterized by some buildings that are built out to or near the sidewalk and others that are set back. Parking in these areas is sometimes located at the rear of buildings; other times between the building and the sidewalk. The RR-T District is intended to promote a building design and a level of site planning that is pedestrian friendly and accessible while still allowing for adequate parking. (Wisconsin Avenue to Home Avenue, Oak Park Avenue to Ridgeland Avenue and Lombard Avenue to Austin Boulevard)

**3. Roosevelt Road Auto-Oriented District**

The RR-A Auto-Oriented District is intended to accommodate a wide variety of businesses that typically generate significant amounts of vehicle traffic. This district is intended to accommodate more auto-oriented building forms. However, new buildings must make accommodations to pedestrians. New building should enhance pedestrian safety and comfort. The regulations establish standards for building placement, landscaping, lighting, curb cuts, and other site design elements. New buildings within this district must avoid the old pattern of locating parking between the building and the sidewalk. (Harlem Avenue to Wisconsin Avenue)

**C. Building and Development Types**

The following building and development types are allowed in the RR District subject to any use limitations:

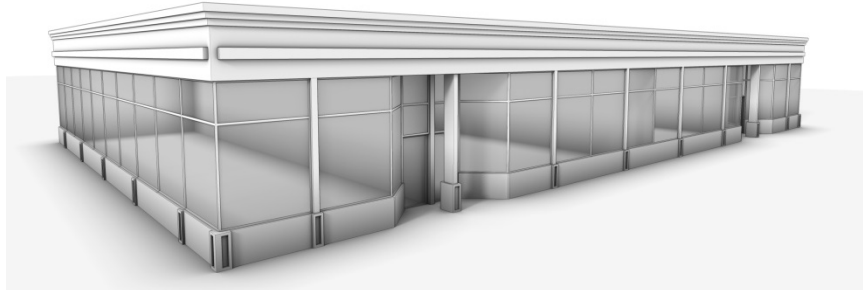
Table 5-2: RR District Building Type Permissions			
	RR-P	RR-T	RR-A
Single-Story Shopfront	P	P	P
Mixed-Use Shopfront	P	P	P
General Commercial	P	P	P
Multi-Dwelling	S	S	S
Townhouse	S	S	S
Civic Building	S	S	S
Open Space/Parking		S	S

**1. Single-Story Shopfront**

Single-story shopfront buildings are intended for single-story retail shops and business and personal services. The design of ground-floor retail space should be flexible enough to accommodate a wide range of retail, entertainment and business service uses. These shopfronts must be built out near the sidewalk so that shops are readily accessible to pedestrians. Primary entrances should be prominent and street facing. Large windows should be provided to encourage interaction between pedestrians and shops located along the corridor.



**SINGLE-STORY SHOPFRONT**



**2. Mixed-Use Shopfront**

Mixed-use shopfront buildings allow for ground-floor retail and upper-story residential or office uses. The ground-floor space should be flexible enough to accommodate all types of retail, restaurant, office or entertainment uses. Buildings should be built out to the street with no on-site surface parking between the building and the street. Mixed-use building types are the preferred building type because the combination of retail space with living or working space above should add to vitality and activity to the street.

**MIXED-USE SHOPFRONT**



**3. General Commercial Building**

General commercial buildings accommodate a wide variety of commercial uses typically incorporating ground floor retail with upper story office or light industrial uses. Upper stories should be designed for office, research and development activities, or light industrial activities. Any new commercial building should be built out to or near the sidewalk. No on-site parking should be located between the building and the street. Primary entrances should face the street.

**GENERAL COMMERCIAL BUILDING**





#### 4. Multi-Dwelling

Multi-dwelling buildings contain three or more residential dwelling units in a single structure. These buildings typically have dwelling units that share a common entrance. This building type must be pulled up to the street. There is no on-site parking between the building and the street but parking may be incorporated into the building's interior. Multi-dwelling building types are not appropriate for the key pedestrian shopping districts where ground-floor retail is most desirable.

#### MULTI-DWELLING



#### 5. Townhouse

A townhouse building is a building that contains three or more attached dwelling units where the individual units share common sidewalls. Townhouses are more than one story in height and each unit has its own external entrance. There is no on-site surface parking between the building and the street. All access to parking must be from existing alleys or from side streets and no garages are permitted to face Roosevelt Road. Townhouse building types are not appropriate for key pedestrian shopping districts where ground floor retail is most desirable.

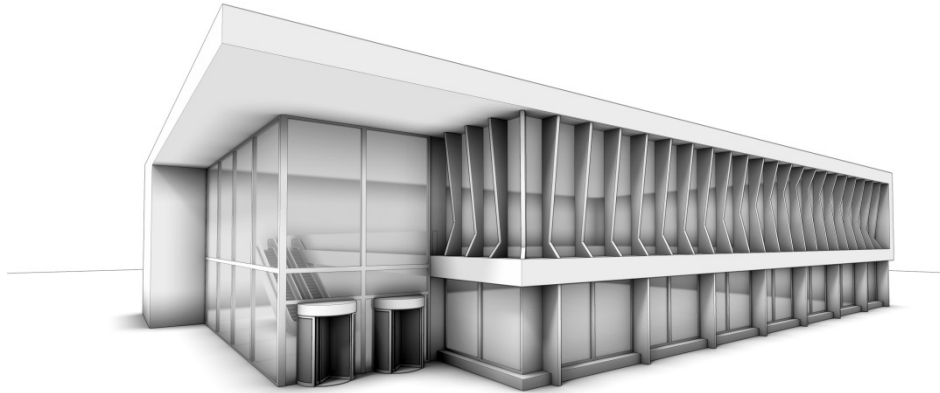
#### TOWNHOUSE



#### 6. Civic Building

The civic building type includes all types of public/civic type buildings including libraries, schools, colleges, hospitals and medical centers, recreation facilities, community centers, and religious assembly uses. Civic buildings may be sited with open spaces that enhance the building's prominence or appearance. Unlike other buildings it may be appropriate for civic buildings to have more significant setbacks. However, on-site parking lots are not allowed between the civic building and the street.

### CIVIC BUILDING



### 7. Open Space and Parking

This development type includes public parks and open spaces and it includes private and commercial parking lots. Parks and open spaces are intended to serve neighborhood or community needs. Private or commercial parking are intended to serve the needs of individual businesses or the needs of several businesses.

### OPEN SPACE AND PARKING



### D. Building Heights

1. Building height limits are established to ensure reasonable, predictable limits on maximum building height. Additional building height is allowed for mixed-use buildings as a way of encouraging mixed-use developments.
2. Maximum building height limits are established in Table 5-3.
3. The minimum ground-floor height, as measured from the floor to the top of the ceiling joists, must be 13 feet for any building designed to accommodate non-residential uses at ground level.
4. Any above-grade parking floor is counted as a single story for the purpose of measuring building height.
5. To qualify for the added height associated with buildings incorporating underground parking at least one entire floor of parking (i.e., a floor that matches the footprint of building's ground floor level) or at least 50% of the required parking must be located underground. Parking levels that are only partially below grade will not qualify for the added building height.
6. When a residential use occupies the ground floor, the finished floor elevation will be 30 to 60 inches above the adjacent sidewalk elevation.

	Single-Use Building	Single-Use Building with Underground Parking	Mixed-Use Building	Mixed-Use Building with Underground Parking
RR-P	3 stories & 40'	4 stories & 50'	4 stories & 50'	5 stories & 60'
RR-T	3 stories & 40'	4 stories & 50'	5 stories & 60'	6 stories & 70'
RR-A	2 stories & 30'	3 stories & 40'	3 stories & 40'	4 stories & 50'

**E. Density**

Maximum allowable residential densities are expressed in terms of a required amount of land area per dwelling unit. These standards vary on the basis of the district and building types in Table 5-4.

	RR-P	RR-T	RR-A
<b>Single-Story Shopfront</b>			
<b>Mixed-Use Shopfront</b>	1,000 sq. ft./du	750 sq. ft./du	1,000 sq. ft./du
<b>General Commercial</b>			
<b>Multi-Dwelling</b>	1,000 sq. ft./du	1,000 sq. ft./du	1,000 sq. ft./du
<b>Townhouse</b>	1,200 sq. ft./du	1,200 sq. ft./du	1,200 sq. ft./du
<b>Civic Building</b>			
<b>Open Space/Parking</b>			

**F. Building Placement**

This section establishes minimum and maximum setbacks. Consistent with this section, a portion of all new buildings must come out to the build-to line adjacent to the setback line. New buildings must have a frontage that is built out to the front setback line consistent with this section. The facade elevations of new buildings must comply with the transparency requirements of this section.

**1. Front Setbacks**

- a. New buildings must provide a small setback along Roosevelt Road in order to accommodate pedestrian traffic and enhance pedestrian safety.
- b. Where the Municipal Code establishes a minimum setback at corners for the purposes traffic safety or the maintenance of sight lines for vehicular traffic, the setbacks of this Section must be adjusted to accommodate those setbacks.

Building Placement: RR-P, RR-T, and RR-A	Front Setback – Build-To Zone (Min./Max.)
Roosevelt Road	2.5'/10'
Side Street Setback	0'/5'
Civic Building Types: Roosevelt Road	2.5'/20'
Civic Building Types: Side Street	0'/15'
Non-accessory Open Space and Parking: Roosevelt Road	10'/no max.
Non-accessory Open Space and Parking: Side Street or Alley	10'/no max.
Accessory Parking: Roosevelt Road	7'/no max.
Accessory Parking: Side Street or Alley	5'/no max.

**2. Front Setbacks In Excess of 2.5 Feet**

The front setback area abutting Roosevelt Road is limited to two and one-half feet (except as specifically provided for civic building types and accessory and non-accessory parking) except that this setback may be increased to up to ten feet to accommodate sidewalk cafes, plazas, or similar open spaces. In addition, a setback up to ten feet may be provided as a front yard for any townhouse or multi-family residential development.

**3. Side and Rear Setbacks**

Specific building or development types must provide setbacks consistent with this section. Where the requirements of this Section conflict with any safety standard established by a building or fire code, the most restrictive requirement will apply.

<b>Table 5-6: RR District Side and Rear Setbacks</b>		
	<b>Side</b>	<b>Rear</b>
<b>Single-Story Shopfront</b>	0'	0'
<b>Mixed-Use Shopfront</b>	0'	20' for all floors containing residential dwellings
<b>General Commercial</b>	0'	0'
<b>Multi-Dwelling</b>	10' or 10% of lot width for lots abutting side streets, whichever is less	20' for all floors containing residential dwellings (not enclosed garages)
<b>Townhouse</b>	5' for interior lot lines and 10% of lot width for lots abutting side streets, whichever is less	20' for all floors containing residential dwellings (not enclosed garages)
<b>Civic Building</b>	10'	20'
<b>Open Space/Parking</b>	0' for open space 10' for parking	0' for open space 10' for parking

**G. Parking Placement**

**1. Front Setbacks: Parking Located Adjacent to Buildings**

Within RR-T and RR-A Districts where parking may be located adjacent to the building but not between the building and the front lot line, a minimum front setback of seven feet is required for any such parking. The seven foot setback will be landscaped consistent with the landscaping requirements of the underlying zoning regulations.

**2. Side and Rear Setbacks: Parking Located Adjacent to a Building**

Where parking is located at the rear of a building but adjacent to a side street or alley there must be a five foot landscape setback between the parking and public right-of-way. Landscaping must be installed consistent with the underlying zoning regulations.

**H. Street Frontage Standards**

**1. Mid-Block Locations**

New buildings must be built out to the front setback line and must occupy a certain percentage of the lot's frontage consistent with the table below. Where buildings are constructed on corner lots they must meet the minimum street frontage requirements for both streets consistent with Item 2 below. Buildings will be considered to have complied with this section if the building faces the street and the building occupies the required amount of the street frontage as defined by the minimum and/or maximum setback line.

<b>Table 5-7: RR District Percent of Street Frontage Occupied by Building</b>	
	<b>% of Street Frontage Occupied by Building</b>
<b>RR-P: Roosevelt Road</b>	80%
<b>RR-T: Roosevelt Road</b>	60%
<b>RR-A: Roosevelt Road</b>	50%

**2. Corner Locations**

Buildings must occupy a substantial portion of two street frontages at corner locations. This section establishes standards for the amount of frontage a building must occupy based on whether the area is designated as a pedestrian, transitional, or auto-oriented district.

**a. Corner Lots - Pedestrian Districts**

Buildings constructed on lots abutting two streets must be built out to the corner and occupy a certain percentage of the two street frontages consistent with the requirements of this section. Buildings that are built out to the "build-to" lines at corner locations are allowed greater flexibility in terms of the Roosevelt Road street frontage requirements consistent with the table below.

Table 5-8: RR District RR-P Street Frontage Options	
	% of Street Frontage Occupied by Building
<b>Option A</b>	
Roosevelt Road	80%
Side Street	30%
<b>Option B</b>	
Roosevelt Road	70%
Side Street	40%
<b>Option C</b>	
Roosevelt Road	60%
Side Street	50%

**b. Corner Lots - Transitional Districts**

Buildings constructed on lots abutting two streets must be built out to the corner and must occupy a certain percentage of the street frontage consistent with the requirements of this section. Buildings that are built out to the build-to lines at corner locations are allowed greater flexibility in terms of the Roosevelt Road street frontage requirements consistent with the table below.

Table 5-9: RR District RR-T Street Frontage Options	
	% of Street Frontage Occupied by Building
<b>Option A</b>	
Roosevelt Road	60%
Side Street	30%
<b>Option B</b>	
Roosevelt Road	50%
Side Street	40%

**c. Corner Lots - Auto-Dominated Districts**

Buildings constructed on lots abutting two streets must be built out to the corner and must occupy a certain percentage of the street frontage consistent with the requirements of this section.

Table 5-10: RR District RR-A Street Frontage Options	
	% of Street Frontage Occupied by Building
Roosevelt Road	50%
Side Street	30%

**I. Building Façade Elements**

Building facade elements must be consistent with the requirements of this section. The requirements of this section do not apply to any civic building type or to any open space or parking development type.

**1. Transparency and Entry Requirements**

See Table 5-11.

Table 5-11: RR District Required Façade Elements	
<b>RR-P District</b>	
Transparency: Roosevelt Road	60%; 30% for multi-dwelling and townhouse building types
Transparency: Side Street	30%; 20% for multi-dwelling and townhouse building types
<b>RR-T and RR-A Districts</b>	
Transparency: Roosevelt Road	50%; 25% for multi-dwelling and townhouse building types
Transparency: Side Street	20%; 15% for multi-dwelling and townhouse building types
<b>RR-P, RR-T, and RR-A Districts</b>	
Building entry facing Roosevelt Road	Required
Building entry facing any side street	Allowed
Entrance Spacing: Roosevelt Road (max. linear ft.)	100' (does not apply to multi-dwelling or civic building types)
Blank Wall: Roosevelt Road (max. linear ft.)	30'
Blank Wall: Side Street (max. linear ft.)	None

**2. Limitations on Blank Walls**

No blank, uninterrupted wall will extend more than the length of 30 feet or more when fronting on Roosevelt Road or other public street. Blank walls will be avoided by the addition of windows, piers, building recesses, pilasters, arches, columns or significant changes in the texture or pattern of masonry work on the building face. Changes in building facades will occur at regular intervals (i.e. every 25 to 30 feet) in order to match the historical pattern of small storefronts.

**3. Building Entrances**

- a. In the RR-P District a public entrance must abut the “build-to” line and must front Roosevelt Road. Within the RR-T and RR-A Districts a public entrance must abut the “build-to” line or must be located at one of the building’s corners abutting the “build-to” line along the Roosevelt Road right-of-way. Entryways will be considered to abut the “build to” line even when they include minor recesses or insets necessary for safety and public access. Additional entrances facing side streets or parking areas are permitted.
- b. On corner lots, the public entrance is encouraged to be located at the building corner abutting the two public streets.
- c. In any district, all building types that do not provide on-site parking are required to locate the public entrance abutting the “build-to” line abutting Roosevelt Road.
- d. The maximum entrance separation requirements apply to each separate building and do not apply to adjacent buildings.
- e. A minimum of 50% of the public entrance facing Roosevelt Road must be transparent.

**4. Building Material Standards**

Quality and durable materials are required for all new commercial, mixed-use, or multi-family (three units or more) construction and to the rehabilitation of existing buildings where the rehabilitation costs exceed 150% of the building’s assessed value.

**a. Acceptable Building Materials**

The building materials used should be characteristic of the older commercial storefronts located along Roosevelt Road. For any facade visible from a public right-of-way, the following materials are deemed acceptable: brick, ceramic tile, terra cotta, glass, stone or cast stone, metal, aluminum, steel, wood, fiber cement material or cement plaster (stucco), or architectural finished concrete.

**b. Unacceptable Building Materials**

Certain building materials are considered unacceptable because they are not characteristic of older storefronts in the area. The following are considered unacceptable on any building elevation that is visible from a public right of way: aluminum sidings, metal industrial type siding, vinyl siding, asphalt siding, and E.I.F.S (synthetic stucco), cedar shakes, concrete masonry units, or plywood siding.

**c. Review and Approval of Building Materials**

The Zoning Administrator will be responsible for determining compliance with the building material standards. If the Zoning Administrator denies an application for failure to comply with the requirements of this Section, an appeal of this denial may be taken to the Community Design Commission.

**J. Building Features and Accessory Structures**

The following standards apply to building types in the Roosevelt Road Corridor. These criteria and standards are intended to enhance the appearance of buildings along the corridor.

**1. Signs**

All signs must comply with the standards and requirements of the Corridor Commercial Sign Overlay District as provided in Chapter 7, Article 7 of the Village Code.

**2. Awnings**

- a. Awnings are permitted on single-story shopfronts, mixed-use shopfronts, general commercial buildings, and civic development types.



- b. A ground floor awning must be a minimum of seven feet clear height above the sidewalk.
- c. Awnings may not be internally illuminated.

**3. Canopies**

- a. Canopies are permitted on single-story shopfronts, mixed-use shopfronts, general commercial buildings, and civic development types.
- b. Canopies will provide shelter for entryways and may extend from the entrance of the structure to within 18 inches of the curb line.
- c. Canopies may not be internally illuminated.

**4. Balconies**

- a. Balconies are permitted only on the upper stories of mixed-use shopfronts, general commercial buildings, multi-dwelling buildings, townhouses and civic building types.
- b. Balconies must be inset and may not project beyond the exterior building walls.

**5. Stoops**

- a. Stoops are permitted on any townhouse development type.
- b. A stoop may be no more than five feet in depth (including steps) and no more than six feet in width.
- c. A stoop may encroach on any setback in excess of the minimum required provided the stoop is no more than five feet in height and provided that the stoop is not roofed or fully enclosed.
- d. Partial walls and railings on a stoop can be no higher than three and one-half feet.

**6. Front Porches**

- a. Front porches are permitted on any townhouse development type.
- b. A front porch may be no more than six feet in depth (including steps).
- c. A front porch may encroach on any setback in excess of the minimum required provided the porch is no more than five feet in height and provided that the porch is not roofed or fully enclosed.
- d. Partial walls and railings on a front porch may be no higher than three and one-half feet.

**7. Fences and Walls**

Where the underlying zoning establishes standards for fences and walls, the stricter provisions of this Section or the underlying zoning apply.

- a. Fences or walls may not exceed five feet in height, except that an opaque fence or wall, enclosing the entire storage lot, six feet in height, constructed of wood or masonry materials with a finished appearance, and erected parallel to and set back three feet from the front lot line of all permitted outdoor equipment and material storage yards. The three foot area between the front lot line and the fence must be landscaped and maintained with bushes or shrubs and groundcover. All exterior points of access through the required fencing must also include a gate of like material and height.
- b. Fences must be wrought-iron or other durable material but may not include chain-link or sheet metal. Walls must be masonry preferably decorative brick or stone and not any concrete materials or CMU.

**K. Uses**

Article 8 lists permitted and special principal uses and temporary uses for the RR Districts. This section includes additional use restrictions for the district. Table 5-12: Use Restrictions by Building Type identifies certain uses that are further restricted by building type. The following rules of application apply:

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

1. Where Table 8-1 allows a use, whether as permitted or special, and Table 5-12 does not specifically list such use, Table 8-1 controls.
2. Where Table 5-12 calls out a specific type of uses from the generic use category, the restrictions only apply in the RR District.
3. When a use is listed as permitted, special, or prohibited in Table 5-12, such permissions control over Table 8-1.
4. The rules of prohibited uses in Table 8-1 control, per Section 8.2.

<b>Table 5-12: RR District Use Restrictions by Building Type</b>									
<b>USE</b> P= Permitted Use S= Special Use X = Prohibited	<b>BUILDING TYPES</b>							<b>ADDITIONAL STANDARDS</b>	
	One Story Shopfront	Mixed-Use Shopfront		Commercial	Multi-Dwelling	Townhouse	Civic		Open Space/ Parking
		Ground floor	Upper floor						
<b>Residential</b>									
Dwelling - Townhouse	X	X	X	X	X	S	X	X	
Dwelling - Multi-Family	X	X	P	X	S	X	X	X	
Residential Care Facility	X	X	S	X	S	S	S	X	
<b>Public/Institutional</b>									
Educational Facility - College	S	S	S	S	X	X	S	X	
Community Center	X	X	X	X	X	X	S	X	
Cultural Facility	S	S	S	S	X	X	S	X	
Day Care Center	S	S	S	S	X	X	S	X	
Government Office: Post Office	S	S	S	S	X	X	S	X	
Public Safety Facility	S	S	S	S	X	X	S	X	
Place of Worship	X	X	X	X	X	X	S		X
Utility	S	S	X	S	X	X	X	X	
<b>Retail</b>									
Restaurant – With Bar	P	P	X	P	X	X	X	X	
Retail Goods Establishment: Beauty Supply	P	P	X	P	X	X	X	X	Minimum 500' separation
Specialty Food Service: Catering Shop	P	P	P	P	X	X	X	X	Special use if over 3,000 sq.ft.
Secondhand Goods Dealer	X	X	X	X	X	X	X	X	
Vehicle Dealership	S	S	X	S	X	X	X	X	
<b>Service</b>									
Animal Care Facility	X	X	X	X	X	X	X	X	
Car Wash	S	X	X	S	X	X	X	X	
Hotel/Motel	S	S	S	S	X	X	X	X	
Personal Service Establishment: Beauty Salon/Barbershop/Nail Salon	P	P	P	P	X	X	X	X	Minimum 500' separation
Reception Facility	S	S	S	S	X	X	X	X	
Self-Storage Facility	X	X	P	X	X	X	X	X	
Vehicle Rental	S	S	X	S	X	X	X	X	
Vehicle Repair/Service - Minor	S	X	X	S	X	X	X	X	
Vehicle Repair/Service - Major	X	X	X	X	X	X	X	X	
<b>Recreation</b>									
Health Club	S	S	S	S	X	X	X	X	
Indoor Recreation	S	S	S	S	X	X	X	X	
<b>Office</b>									
Research & Development	X	X	X	X	X	X	X	X	



**PLAN COMMISSION RECOMMENDED DRAFT**  
Includes Motions Approved on Sept. 5, 2017

Table 5-12: RR District Use Restrictions by Building Type									
USE P= Permitted Use S= Special Use X = Prohibited	BUILDING TYPES								ADDITIONAL STANDARDS
	One Story Shopfront	Mixed-Use Shopfront		Commercial	Multi-Dwelling	Townhouse	Civic	Open Space/ Parking	
		Ground floor	Upper floor						
<b>Medical</b>									
Hospital	S	S	S	S	X	X	S	X	
Medical/Dental Clinic	S	S	S	S	X	X	X	X	
<b>Industrial</b>									
Light Industrial	X	X	X	X	X	X	X	X	
<b>Transportation</b>									
Drive-Through Facility	S	S	X	S	X	X	X	X	
<b>Other</b>									
Broadcasting Facility – TV/Radio With Antenna	S	X	X	S	X	X	X	S	
Wireless Telecommunications Tower	S	X	X	S	X	X	X	S	

**L. Parking Regulations**

**1. Parking as Accessory or Principal Use**

- a. All off-street parking must be provided on-site except where a commercial parking lot or structure is constructed or in the circumstance of shared or joint use parking as provided in this section.
- b. The construction of accessory or commercial parking is subject to requirements for permits, setbacks, landscaping and other standards as provided in this code.

**2. Shared Parking**

Shared parking is permitted per Section 10.5.D.

**3. Cooperative Parking**

Cooperative parking represents an arrangement in which two or more commercial uses provide their required off-street parking in the same parking lot, thereby reducing the number of individual parking lots and the number of curb cuts required to serve such lots. Reduced off-street parking requirements are available as an incentive for providing cooperative parking. Approval of an administrative adjustment is required.

**a. Authorization**

The Zoning Administrator in consultation with the Village Engineer is authorized to approve an adjustment to the parking requirements allowing a reduction in the number of off-street parking spaces required when multiple commercial uses provide their off-street parking in the same parking lot, as follows:

- i. Up to a 20% reduction may be approved when four or more commercial uses are involved.
- ii. Up to a 15% reduction may be approved when three commercial uses are involved.
- iii. Up to a 10% reduction may be approved when two commercial uses are involved.

**b. Location of Cooperative Parking Facility**

A use for which an application is being made for cooperative parking must be located within 600 feet walking distance of the cooperative parking, measured from the entrance of the use to the nearest parking space within the cooperative parking lot.

**c. Agreement**

i. An agreement providing for cooperative use of parking must be filed with the Zoning Administrator, in a form approved by the Village Attorney. Each such agreement must state that the agreement cannot be amended except upon at least 30 days prior notice to the Village and approval by the Village Attorney. Cooperative parking privileges will continue in effect only as long as the agreement remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If the cooperative parking agreement is no longer in force, then the parking must be provided as required.

ii. An agreement regarding cooperative parking must provide for the installation of signs indicating which businesses have a common or cooperative parking arrangement. These signs should make clear the availability and accessibility of cooperative parking.

**M. Streetscape Amenities**

**1. Applicability**

Street tree planting is required for all development. Streetscape amenities are required for any development type that exceeds two stories.

**2. Street Trees**

a. Any streetscape improvements required by this section must be located and installed consistent with the Roosevelt Road Streetscape Master Plan.

b. A minimum of one street tree is required for every 40 feet of public or private street frontage. However, no street trees are required where such installation would reduce the width of any sidewalk clearance to less than five feet in a manner inconsistent with federal and state requirements for access for persons with disabilities.

c. Street trees must be installed within the parkway of the subject property. The trees need not be placed at even 40 foot intervals; however, they should be installed as close to 40 feet as possible along the street frontage, allowing for utilities and intersection visibility requirements.

d. The tree species planted must be canopy trees to provide shade and visual relief with a clearance of 9 feet over sidewalk. Ornamental trees may also be planted where the use of canopy trees would conflict with the visibility of traffic signals. The final design of street tree plantings involving ornamental trees is subject to site plan review.

**3. Exceptions**

Existing trees may be counted as fulfilling the requirements of this section upon approval of the Zoning Administrator. Deciduous trees with a diameter at breast height of four inches or larger and evergreen trees measuring five feet or more in height may be counted.

**4. General Landscaping**

a. Any area between the build-to line and the building must be brought to finish grade and sodden in grass or covered with approved ground cover plants. Sidewalks and approved driveways may be located within this area.

b. All areas not covered by buildings, paved area or other acceptable improvements must be finish-graded and landscaped with turf grass or other approved ground cover plants.

**5. Streetscape Requirements**

The following amenities are required of any development type that exceeds two stories in height. The design and location of facilities consistent with this Section must be approved by the Zoning Administrator in consultation with the relevant municipal agencies.

- a. Benches at the rate of one per 200 feet of frontage along Roosevelt Road.
- b. Trash receptacles at one per 200 feet of frontage along Roosevelt Road.
- c. Bicycle parking at the rate of one bike rack with at least 5 parking spaces per 200 feet of frontage along Roosevelt Road.

## **N. Site Development Regulations**

### **1. Outdoor Lighting Standards**

The outdoor lighting standards of this section are intended to protect the public health and general welfare by controlling the adverse impacts of glare and light trespass associated with poorly shielded or inappropriately directed lighting fixtures.

#### **a. Applicability**

Unless otherwise expressly exempted, the regulations of this section apply to all outdoor lighting installed after November 16, 2009 on private property within the RR-P, RR-T, and RR-A Districts.

#### **b. Exemptions**

The following are expressly exempt from the outdoor lighting regulations of this article:

- i. Security lights controlled and activated by motion sensor devices for a duration of 15 minutes or less.
- ii. Outdoor lights on lots occupied by residential buildings containing fewer than four dwelling units.
- iii. Temporary holiday light displays.
- iv. Municipal street lighting systems.
- v. Lighting of official government flags.
- vi. Lights associated with public parks and recreation facilities.
- vii. Construction and emergency lighting used by construction workers or police, firefighting, or medical personnel, provided the lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency requiring the lighting.

#### **c. General Regulations and Standards**

- i. Flashing, revolving, or intermittent exterior lighting visible from any lot line or street is prohibited.
- ii. High intensity light beams, such as outdoor searchlights, lasers or strobe lights are prohibited.

#### **d. Fixtures and Shielding**

- i. All outdoor light sources that produce more than 4,050 lumens must be at least partially shielded. For the purposes of this section, "partially-shielded" or "semi-cutoff" means an outdoor light fixture shielded so that no more than 2.5% of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above a horizontal plane extending from the bottom of the fixture.
- ii. Light fixtures mounted under gas station canopies must be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.

#### **e. Spillover Light**

Spillover light onto residential-zoned property may not exceed two lux, measured at grade along the lot line.

## **2. Screening of Garbage Dumpsters and Trash Bins**

The dumpster, trash bin, and screening provisions of this section apply to all development types where such dumpster and trash bins are stored outside the building. They apply to new construction and when any exterior remodeling, addition, or construction is done to a permitted development type.

- a. All outdoor garbage dumpsters and trash bins must be screened on four sides, three of which are by a permanent six foot tall opaque masonry wall of material and color to match the primary structure.
- b. Door and gate appurtenances must be opaque, hang square, and be plumb at all times.
- c. Dumpsters and trash bins must be located behind the front building line and located at or near the rear property line.
- d. The opening of any trash enclosure may not be oriented toward Roosevelt Road.
- e. On corner lots, dumpsters must be located behind the front building line and setback a minimum of 20 feet from any side street right-of-way.

## **3. Screening of Loading Docks and High Activity Areas**

All loading docks, commercial facilities with drive-thru services, vehicle repair/service, car wash, and other similar high activity uses associated with any development type that is adjacent to a residential district must be completely screened by a six foot high masonry wall and must not be visible from adjacent property or street right-of-way.

## **4. Screening of Vehicle and Equipment Storage Areas Accessory to Motor Vehicle Sales and Service**

- a. Motor vehicle parking areas where damaged vehicles are awaiting repair or sale or operable vehicles are stored for return to customers such parking areas must be screened from view of all public rights-of-way and all residential districts. Such parking areas are not permitted in required setbacks.
- b. Screening must be opaque and a minimum of six feet in height, and may be in the form of walls, fences, berms, or landscaping. Such vehicle storage areas must not be visible from adjoining streets or properties.
- c. No automobiles may be parked, stored, or stacked higher than the screening fence or wall. Where landscaping or berms are used for screening, a landscape plan is required. All screening must be installed before using any such area for vehicle storage purposes.

## **5. Screening of Utility and HVAC Equipment**

All utility and HVAC installations located outside of the right-of-way must be screened. All utility installations within the right-of-way must be screened by the utility company. All mechanical and HVAC equipment located on a roof-top must be screened from the view of adjoining rights-of-way and of adjoining properties. All utility installations installed after completion of the development must be screened by the utility company. Utility equipment must be screened by dense shrubbery at a minimum of 30 inches in height and planted at 36 inches on center. Such shrubbery must be planted far enough away from the units so as to provide a clear area on two sides of the unit for maintenance purposes.

## **6. Screening of Accessory Storage**

Any development type that involves the storage of materials, products, or equipment outside of a fully-enclosed building must be completely (100%) screened from public view and must not be visible from abutting properties or any street right-of-way.

### **5.5 GENERAL STANDARDS OF APPLICABILITY**

#### **A. Design Standards**

Non-residential and mixed-use development within the commercial districts, as well as any multi-family dwellings, must meet the design standards of Article 7.

**B. Site Development Standards**

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

**C. Off-Street Parking and Loading**

See Article 10 for off-street parking and loading standards and requirements.

**D. Landscape**

See Article 11 for landscape, buffering, and screening standards and requirements.



**ARTICLE 6. SPECIAL PURPOSE DISTRICTS**

- 6.1 OS OPEN SPACE ZONING DISTRICT
- 6.2 I INSTITUTIONAL ZONING DISTRICT
- 6.3 H HOSPITAL ZONING DISTRICT

**6.1 OS OPEN SPACE ZONING DISTRICT**

**A. Purpose Statement**

The OS Open Space Zoning District is intended for the designation and protection of parks and public recreational facilities, both outdoor and indoor and include both active and passive recreation areas, and certain ancillary uses, such as field houses, cultural facilities, and performance areas. Such parks and recreational facilities may also be affiliated with schools,

**B. Uses**

Article 8 lists permitted and special principal uses and temporary uses for the OS District.

**C. Dimensional Standards**

Table 6-1: OS District Dimensional Standards establishes the dimensional standards for the OS District. These regulations apply to all uses within each district unless a different standard is listed for a specific use. With the exception of minimum lot area, these standards apply only to permanent structures within the OS District.

Table 6-1: OS District Dimensional Standards	
	OS District
<b>Bulk Standards</b>	
Minimum Lot Area	20,000sf
Maximum Building Height	35'
<b>Required Setbacks</b>	
Minimum Front Setback	15'
Minimum Interior Side Setback	15'
Minimum Corner Side Setback	15'
Minimum Rear Setback	15'

**D. General Standards of Applicability**

**1. Site Development Standards**

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

**2. Off-Street Parking and Loading**

See Article 10 for off-street parking and loading standards and requirements.

**3. Landscape**

See Article 11 for landscape, buffering, and screening standards and requirements.

**6.2 I INSTITUTIONAL ZONING DISTRICT**

**A. Purpose Statement**

The I Institutional Zoning District is intended to accommodate governmental uses, larger public and private educational facilities on sites typically over one acre in size, cultural facilities, and similar uses located within the Village.

**B. Uses**

Article 8 lists permitted and special principal uses and temporary uses for the I District.

**C. Dimensional Standards**

Table 6-2: I District Dimensional Standards establishes the dimensional standards for the I District. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 6-2: I District Dimensional Standards	
I District	
<b>Bulk Standards</b>	
Minimum Lot Area	10,000sf
Maximum Building Height	45'
<b>Required Setbacks</b>	
Minimum Front Setback	15', unless abutting a commercial district on both or either side in which case the required setback of the commercial district apply
Minimum Interior Side Setback	10'
Minimum Corner Side Setback	15'
Minimum Rear Setback	25'

**D. General Standards of Applicability**

**1. Site Development Standards**

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

**2. Off-Street Parking and Loading**

See Article 10 for off-street parking and loading standards and requirements.

**3. Landscape**

See Article 11 for landscape, buffering, and screening standards and requirements.

**6.3 H HOSPITAL ZONING DISTRICT**

**A. Purpose Statement**

The H Hospital Zoning District is intended to accommodate major health care facilities, and their expansion, located within the Village.

**B. Uses**

Article 8 lists permitted and special principal uses and temporary uses for the H District.

**C. Dimensional Standards**

1. Table 6-3: H District Dimensional Standards establishes the dimensional standards for the H District. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

2. Additional height restrictions apply to the following geographic areas.

- a. From the centerline of N Humphrey Avenue (extended) to the west H District property line, buildings may not exceed 50 feet in height.
- b. From the centerline of Wisconsin Avenue (extended) to the east H District property line, buildings may not exceed 80 feet in height.

Table 6-3: H District Dimensional Standards	
H District	
<b>Bulk Standards</b>	
Minimum Lot Area	10,000sf
Maximum Building Height	125', unless located within a height restricted area per Section 6.3.C.2
Maximum Lot Coverage	80%
<b>Required Setbacks</b>	
Minimum Front Setback	20'



Table 6-3: H District Dimensional Standards	
H District	
<b>Minimum Interior Side Setback</b>	20', unless abutting a residential district then 30';  If abutting a residentially zoned property, and located within a height restricted area per Section 6.3.C.2: 50' measured from the property line of the adjoining lot to the interior side
<b>Minimum Corner Side Setback</b>	20'
<b>Minimum Rear Setback</b>	30' measured from the property line of the adjoining lot to the rear;  If abutting a residentially zoned property, and located within a height restricted area per Section 6.3.C.2: 50' measured from the property line of the adjoining lot to the rear

**D. General Standards of Applicability**

**1. Site Development Standards**

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

**2. Off-Street Parking and Loading**

See Article 10 for off-street parking and loading standards and requirements.

**3. Landscape**

See Article 11 for landscape, buffering, and screening standards and requirements.



## ARTICLE 7. DESIGN STANDARDS

- 7.1 PURPOSE
- 7.2 APPLICABILITY
- 7.3 DESIGN REVIEW
- 7.4 BUILDING DESIGN STANDARDS
- 7.5 ENERGY EFFICIENT CONSTRUCTION

### 7.1 PURPOSE

The intent of these design standards is to promote architectural innovation and creativity in the design of buildings and sites, to promote design of buildings with visual interest that complement the streetscape, to maintain compatibility with surrounding developments, and to enhance the pedestrian-oriented character and overall visual image of the Village. The purpose of this Article is to advance the interest of public health, safety, and welfare as related to the exterior of buildings by:

- A. Stabilizing or improving property values.
- B. Promoting civic beautification.
- C. Protecting property rights and values by balancing the rights of landowners to use and improve their land with the corresponding rights of abutting and neighboring landowners to enjoy their property.
- D. Promoting environmentally sustainable development.
- E. Promoting the development of an economically sound and stable Village.
- F. Integrate new development harmoniously into the existing built environment.

### 7.2 APPLICABILITY

A. The design standards of this Article apply in the following instances. (Item B below assists in determining applicability.) Design review for compliance with these standards is required as identified in Section 7.3.

- 1. New construction of non-residential and mixed-use development, and multi-family dwellings of three or more units.
- 2. Substantial enlargement and/or alteration of non-residential and mixed-use developments, and multi-family dwellings of three or more units.
- 3. Planned developments.
- 4. New construction and substantial enlargement and/or alteration of any development within the RR District. However, the design standards of Article 5 for the RR District supersede any design standards in this Article that may conflict.

B. The following criteria are used to determine applicability:

#### 1. New Construction

New construction on a new or existing foundation.

#### 2. Substantial Addition

a. A substantial addition occurs when the total footprint or gross floor area of the structure, as of the effective date of this Ordinance, is increased by either 1,000 square feet or 20% in area, whichever is less.

b. Additions of less than 1,000 square feet or 20% of total footprint area of the structure, as of the effective date of this Ordinance, do not count as substantial. However, if the cumulative sum total of all additions in any ten year period exceed 1,000 square feet or 20% of the total footprint area of the structure, as of the effective date of this Ordinance, then it is considered a substantial enlargement. The design standards would apply upon the enlargement that exceeds this threshold.

**3. Substantial Alteration**

Substantial alteration occurs with any exterior change, other than incidental repairs, that would prolong the life of the supporting members of a building. Routine exterior maintenance activities such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind are not considered to constitute a substantial exterior alteration.

C. No development application or building permit for development will be approved until it is determined that the applicant has complied with the standards in this Section.

**7.3 DESIGN REVIEW**

**A. Initiation**

Development identified in Section 7.2.A is subject to design review per the procedure in item D below, with the following exceptions:

1. Planned developments are reviewed for compliance with these design standards during the planned development process. No additional design review process is required.
2. In the historic districts, when a Certificate of Appropriateness is required, no additional design review per this Article is required. If no Certificate of Appropriateness is required, then design review is required.
3. Development subject to any other review process including, but not limited to, those conducted by the Historic Preservation Commission, Plan Commission, or Community Design Commission, that includes review of building design are reviewed for compliance in those processes. Confirmation that additional design review is not required will be verified by the Zoning Administrator.

**B. Procedure**

**1. Pre-Application Conference**

Applicants, prior to submitting a formal application for a building permit, may request, at their option, a pre-application conference with the Zoning Administrator. The purpose of the conference is to help the applicant understand the applicable design standards by which the application will be evaluated.

**2. Process**

- a. Any building permit that requires design review will be submitted to the Department of Development Customer Services, who will determine if it meets or does not meet the applicable design standards.
- b. A denial requires written findings as to how the proposed development does not meet the design standards.
- c. A denial may be appealed to the Community Design Commission and the applicant must submit a written statement explaining the reason for an appeal. All appeals must be filed within 14 days of the issuance of the Department of Development Customer Services denial.
- d. The Community Design Commission will review the appeal at its next regularly scheduled meeting. The denial may be modified, reversed, or affirmed by the Commission. The Community Design Commission decision may be appealed to the circuit court.

**C. Review Considerations**

In addition to the applicable standards of Sections 7.4 and 7.5, design review applications must consider the following and demonstrate that these were considered:

1. The location, arrangement, size, design, and general site compatibility of structures and site elements to ensure:
  - a. Relate harmoniously to the scale and architecture of adjacent buildings.

- b. The removal or disruption of historic, traditional, or significant, uses, structures, or architectural features or neighborhood patterns should be minimized as much as possible, whether these exist on the site or on adjacent properties. New structures, additions, and alterations should be sympathetic to and complement the scale and design of surrounding historic structures and locally significant buildings of architectural merit.
  - c. The arrangement of new structures should be compatible with existing development. Where appropriate, new structures should continue traditional street patterns.
  - d. New structures and additions to existing structures should not create substantial shadows on public plazas and other open spaces. In determining the impact of shadows, the following factors should be taken into account: the amount of area shaded, the duration of shading, and the importance of sunlight to the type of open space being shadowed.
  - e. New structures should preserve and provide for active and passive solar access on adjacent properties where practicable.
  - f. Efficient development that responds to the existing utilities and service conditions in order to minimize the demand for additional municipal services, utilities and infrastructure.
  - g. Compatibility with, and mitigation of, any potential impact upon adjacent property.
  - h. Illumination designed and installed to minimize adverse impact on adjacent properties.
2. Landscape and the arrangement of open space or natural features on the site should:
- a. Create an accessible and functional open space environment for all site users, including pedestrians, bicyclists, and motorists.
  - b. Preserve existing natural features, including measures to preserve and protect existing healthy trees and plantings.
  - c. Design drainage facilities to promote the use and preservation of natural patterns of drainage.
  - d. Utilize plant materials suitable to withstand the climatic conditions of the Village and microclimate of the site. The use of species native to northeastern Illinois is encouraged.
  - e. Use of screening to minimize the impact of the development on adjacent uses and enhance the appearance and image of the Village by screening incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments.
3. Circulation and off-street parking designed to:
- a. Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians, bicyclists, and public transit users.
  - b. Minimize potentially dangerous traffic movements.
  - c. Minimize curb cuts by using cross-access easements and shared parking.
  - d. Clearly define a network of pedestrian connections in and between parking lots, street sidewalks, open spaces and structures that is visible and identifiable.

**F. Expiration**

Design review approval will expire when the building permit expires.

## 7.4 BUILDING DESIGN STANDARDS

The following design standards apply to non-residential, mixed-use, and multi-family (3 or more units) developments.

### A. Building Facade Standards

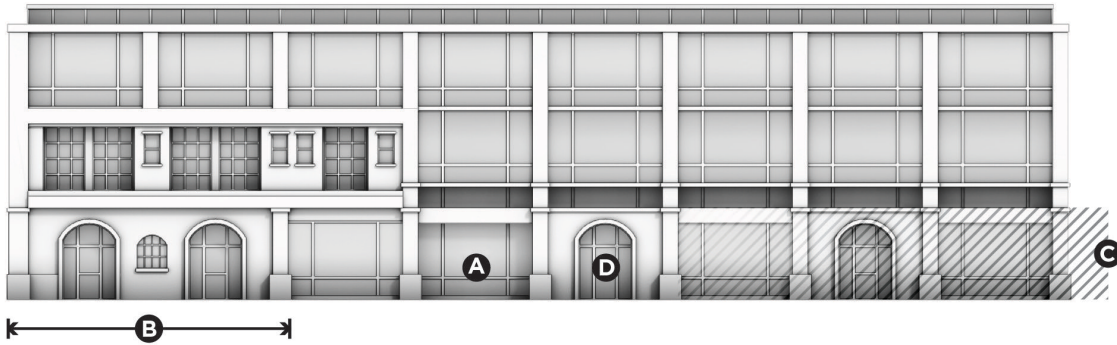
1. A building wall that faces a street or connecting pedestrian walkway must not have a blank, uninterrupted length exceeding 30 feet for non-residential and mixed-use developments and 20 feet for multi-family developments without including at least two of the following categories:
  - a. Change in plane
  - b. Change in texture or masonry pattern
  - c. Windows
  - d. An equivalent element that subdivides the wall into smaller sections
2. The building sides and rear facade must be entirely constructed from some or all of the same materials present on the front facade.
3. For multi-family developments, large or long facades must be broken up into multiple bays, while medium sized facades must be broken by vertical elements.
4. For non-residential and mixed-use developments, the following additional standards apply:
  - a. Building fronts must be similar in proportion to traditional commercial storefronts, typically between 25 and 40 feet wide. Buildings with more than 40 feet of street frontage must be broken into smaller sections through the use of changes in wall planes, materials, architectural elements, and similar features.
  - b. All ground floor front building facades must include display windows at ground level to allow pedestrians to view goods and activities inside and encourage walking and browsing. Substantially opaque, frosted, etched, tinted, black, and reflective mirror glass are prohibited unless associated with signs. Storefront display windows must cover at least 60% of the ground floor building facades facing public rights-of-way, excluding alleys. The bottom sill height of any storefront display window must be no more than 24 inches from the ground.

### B. Building Entries

Each building must have clearly defined, prominent customer/residential entrance(s) that features no less than two of the following categories:

1. Canopies or awnings
2. Porticos
3. Recesses or projections
4. Arcades
5. Raised cornice parapets over the door
6. Peaked roof forms
7. Arches
8. Glass
9. Architectural details such as tile work and moldings that are integrated into the building structure and design

**BUILDING FACADE STANDARDS**



**A** A building wall that faces a street or connecting pedestrian walkway must not have a blank, uninterrupted length exceeding 30 feet for non-residential and mixed-use developments and 20 feet for multi-family developments without including at least two of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into smaller sections.

**B** Building fronts must be similar in proportion to traditional commercial storefronts, typically between 25 and 40 feet wide. Buildings with more than 40 feet of street frontage must be broken into smaller sections through the use of changes in wall planes, materials, architectural elements, and similar features.

**C** All front building facades must include display windows at ground level to allow pedestrians to view goods and activities inside and encourage walking and browsing. Substantially opaque, frosted, etched, tinted, black, and reflective mirror glass are prohibited unless associated with signs. Storefront display windows must cover at least 60% of the ground floor building facades facing public rights-of-way, excluding alleys. The bottom sill height of any storefront display window must be no more than 24 inches from the ground.

**D** Each building must have clearly defined, prominent customer/residential entrance(s) that features no less than two of the following categories: canopies or awnings, porticos, recesses or projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, glass, or architectural details such as tile work and moldings that are integrated into the building structure and design.

**C. Building Materials**

The following are permitted exterior building materials, preferred for their durability and contextual relationship to building materials used throughout the Village:

1. Natural clay brick
2. Ceramic tile
3. Terra cotta
4. Glass and glass panels
5. Stone or cast stone
6. Metal, aluminum, steel
7. Glass block (not permitted on street façade)
8. Molded cornices and trim in alternate materials, such as glass fiber reinforced concrete (GFRC)
9. Wood

10. Cement plaster (stucco), fiber cement materials, and similar materials
11. Architectural finished concrete
12. Other materials as determined on a case by case basis during design review

**D. Roofs and Cornices**

If reasonable, the original roofline and cornice treatment must be maintained and restored. New buildings should be sympathetic to the established roofline heights and cornice treatments of adjacent buildings where appropriate.

**E. Auto-Oriented Developments**

These regulations are intended to address exterior design elements of auto-oriented developments to help promote an overall cohesive design and enable comprehensive review of such cases. These regulations supplement the design standards within this section for individual structures.

**1. Site Design**

- a. All development proposals must show evidence of coordination with the site plan, arrangement of buildings, and planning elements of neighboring properties by:
  - i. Responding to local development patterns and the streetscape through the use of consistent building setbacks, orientation, and relationship of structures to the street and linkages to pedestrian facilities.
  - ii. Seeking shared vehicle access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation.
  - iii. Minimizing cross traffic conflicts within parking areas.
  - iv. Locating vehicular access points to the site as far away as possible from street intersections.
- b. Mitigate the negative impacts from site activities on adjoining uses:
  - i. Service areas, storage areas and refuse enclosures should be oriented away from public view and must be screened from adjacent sites.
  - ii. Orient drive-through windows, menu boards and associated stacking lanes away from residential areas and screen from public view.
  - iii. Orient auto repair bay openings and car-wash openings away from public view.

**c. Pedestrians and Cyclists**

Locate bicycle parking close to the building entrance in a manner that does not impede pedestrian movement.

**2. Architecture**

The intent of the following architectural regulations is to encourage creative architecture that is responsive to local and regional context and contributes to the aesthetic identity of Oak Park.

- a. Building design must take into consideration the unique qualities and character of the surrounding area.
- b. Building design concepts are encouraged to aesthetically acknowledge and relate to immediate adjacent structures where possible and appropriate.
- c. The design of stand-alone gas stations and convenience stores must conform to the dominant existing or planned character of the surrounding neighborhood. This can be accomplished through the use of similar forms, materials, and colors.
- d. The design of a facility that occupies a pad or portion of a building within a larger commercial center must be designed to reflect the design elements of that center.



- e. Drive through elements must be architecturally integrated into the building rather than appearing to be applied or stuck on to the building.
- f. All sides of a building must express consistent architectural detail and character. All site walls, screen walls, and pump island canopies and other outdoor covered areas must be architecturally integrated with the building by using similar material, color, and detailing.
- g. To encourage visually interesting roofs, variations in the roofline must be provided and treatments such as extended eaves and parapet walls with cornice treatments incorporated.
- h. Building accents must be expressed through differing materials and/or architectural detailing and not through applied finishes such as paint.
- i. All display items for sale must occur within the main building or within designated areas that are screened from public streets.

#### **7.5 ENERGY EFFICIENT CONSTRUCTION**

All development is required to follow all standards and codes adopted by the Village for energy efficient buildings and site design. Further, the Village encourages following the standards promulgated by organizations such as LEED (U. S. Green Building Council) and SITES Sustainable Sites Initiative (administered by Green Business Certification Inc. (GBCI)), and other sustainability ratings systems acceptable to the Village



## ARTICLE 8. USES

- 8.1 GENERAL USE PERMISSION
- 8.2 USE MATRIX
- 8.3 USE RESTRICTIONS
- 8.4 PRINCIPAL USE STANDARDS
- 8.5 TEMPORARY USE STANDARDS

### 8.1 GENERAL USE PERMISSION

No structure or land may be used or occupied except in conformity with the regulations for the zoning district in which it is located.

### 8.2 USE MATRIX

- A. Table 8-1: Use Matrix identifies principal and temporary uses allowed within each zoning district.
  - 1. P indicates that the use is permitted in the district.
  - 2. S indicates that the use is a special use in the district and requires a special use permit in accordance with Section 14.2.
  - 3. If a cell is blank, the use is not allowed in the district.
  - 4. In the case of temporary uses, a P indicates the temporary use is allowed in the district and requires approval of a temporary use permit in accordance with Section 14.9.
  - 5. Certain uses are further restricted by Section 8.3.
- B. All uses found within Table 8-1 are defined in Article 2.
  - 1. Certain uses are defined to be inclusive of many uses.
  - 2. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.
  - 3. A use that is not specifically allowed in a zoning district, does not fall within a use definition, or is interpreted as not part of a use definition, is prohibited.
- C. Additional use restrictions are found in Section 8.3 for the DT District, the MS District, and the RR District.

### 8.3 USE RESTRICTIONS

Certain use restrictions apply to the following districts and/or geographic areas.

#### A. DT District

The use restrictions of this section apply to the DT-1 and DT-2 Sub-Districts.

- 1. Only uses that are listed as permitted or special within the “retail” category of Table 8-1 for the DT District are allowed within the first 50 feet of the street lot line at grade level or on the ground floor of any building, with the following exceptions:
  - a. Personal service establishment is allowed at grade level or on the ground floor within the first 50 feet of the street lot line.
  - b. Live performance venue is allowed at ground level or on the ground floor within the first 50 feet of the street lot line.
  - c. Design studio with retail is allowed at ground level or on the ground floor within the first 50 feet of the street lot line.

d. Specialty food service is only allowed at grade level or on the ground floor if it maintains a retail and/or restaurant component.

e. This restriction also applies to temporary uses with the following exceptions: temporary pop-up business and temporary real estate sales office/model unit are permitted at ground level or on the ground floor within the first 50 feet of the street lot line

2. Other uses allowed within the DT District in any other category are permitted at grade level or on the ground floor if they are located more than 50 feet from a street lot line.

3. No provision of this section eliminates the need for a special use permit if the use is listed as a special use in Table 8-1.

**B. MS District**

The use restrictions of this section apply to the MS District.

1. Townhouse and multi-family dwellings are prohibited between Clinton Avenue and East Avenue. Only dwellings above the ground floor are allowed in this area.

2. Drive-through facilities and gas stations are prohibited between Clinton Avenue and East Avenue.

**C. RR District**

Table 5-12 in Article 5 has additional use restrictions for the RR District.

**PLAN COMMISSION RECOMMENDED DRAFT**

<b>TABLE 8-1: USE MATRIX</b>																		
<b>Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3 -50 &amp; -35</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>R-7</b>	<b>DT<sup>1</sup></b>	<b>HS</b>	<b>GC</b>	<b>MS<sup>1</sup></b>	<b>NA</b>	<b>NC<sup>1</sup></b>	<b>RR<sup>1</sup></b>	<b>OS</b>	<b>I</b>	<b>H</b>	<b>Use Standard § = Section</b>
<b>Residential</b>																		
Community Residence – Small (6 or Fewer Residents)	P	P	P	P	P	P	P											§8.4.E
Community Residence – Large (7 or More Residents)						S	S											§8.4.E
Children’s Home							S											
Dwelling – Single-Family (Detached)	P	P	P	P	P	P	P											
Dwelling – Two-Family					P	P	P											
Dwelling – Townhouse						P	P			S	S	S	S	S				
Dwelling – Multi-Family						P	P		S	P	S	P	P	S				
Dwelling – Above the Ground Floor								P	P	P	P	P	P	P				
Live/Work Dwelling									P			P	P	S				
Residential Care Facility							S	S		S		S		S			P	§8.4.O
Retreat House					S	S	S											
<b>Public/Institutional</b>																		
Community Center								S	P	P	P	P	P	P	P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§8.4.D
Cultural Facility	P	P	P	P	P	P	P	S	P	P	P	P	P	S	P	P		
Educational Facility – Primary or Secondary	P	P	P	P	P	P	P									P		
Educational Facility – University								S		S	S	S		S		P		
Educational Facility – Vocational								S	S	P	S	P	S	S				
Government Office								P	P	P	P	P	P	S	P	P		
Park/Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	S		P	P	§8.4.M
Public Safety Facility								P	P	P	P	P	P	S	P	P	P	
Public Works Facility																P		
Tour House/House Museum	S	S	S	S	S	S	S											§9.3.V
Utility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
<b>Retail</b>																		
Antique Store								P	P	P	P	P	P	P				
Art Gallery								P	P	P	P	P	P	P				
Auction House								S	P	P	S	P	P	P				
Brewpub								P	P	P	P	P	P	P				
Consignment Shop								P	P	P	P	P	P	P				
Craft Brew Lounge								S	S	S	P	S	S	P				
Design Studio with Retail								P	P	P	P	P	P	P			P	
Gas Station									S	S	S	S	S	S				§8.4.J
Greenhouse/Nursery										P		P						
Heavy Retail and Rental										S		S						
Outdoor Dining								P	P	P	P	P	P	P				§8.4.L
Restaurant								P	P	P	P	P	P	P			P	
Retail Goods Establishment								P	P	P	P	P	P	P			P	
Secondhand Goods Dealer												S						
Specialty Food Service								S	S		P	S	S	P				
Vehicle Dealership – Fully Enclosed								P		P	P	P	P					§8.4.R
Vehicle Dealership – With Outdoor Storage and Display										S		S	S					§8.4.R
<b>Service</b>																		
Animal Care Facility – Fully Enclosed								S	S	P	P	P	P	S				§8.4.A
Animal Care Facility – With Outdoor Area (At Grade or Rooftop)										S	S	S						§8.4.A
Art and Fitness Studio								P	P	P	P	P	P	P				
Bed and Breakfast	S	S	S	S	S	S	S											§8.4.B
Body Modification Establishment								P	P	P	P		P	P				
Business Service Center								S	P	P	P	P	P	P				
Car Wash										S	S	S		S				§8.4.C
Contractor Shop										S	S	S		S				§8.4.F

**PLAN COMMISSION RECOMMENDED DRAFT**

<sup>1</sup> Use restrictions for this district are found in Section 8.3

TABLE 8-1: USE MATRIX																				
Use	R-1	R-2	R-3 -50 & -35	R-4	R-5	R-6	R-7	DT <sup>1</sup>	HS	GC	MS <sup>1</sup>	NA	NC <sup>1</sup>	RR <sup>1</sup>	OS	I	H	Use Standard § = Section		
Day Care Center									S	S	S	S	S	S			S	§8.4.G		
Day Care Home	P	P	P	P	P	P	P											§8.4.H		
Funeral Home										S	S	S		S			S			
Hotel/Motel								S	S	S	S	S		S						
Massage Service Establishment								S		S	S	S	S							
Personal Service Establishment								P	P	P	P	P	P	P			P			
Reception/Banquet Facility								S		S	S	S		S				§8.4.N		
Self-Service Storage Facility										S		S		P						
Vehicle Rental										S	S	S		S				§8.4.R		
Vehicle Repair/Service – Minor										P	S	P	S	S				§8.4.T		
Vehicle Repair/Service – Major										S	S	S						§8.4.T		
<b>Recreational</b>																				
Health Club								S	S	P	S	P	S	S						
Live Performance Venue								S	S	S	S	S	S	P						
Social Lodge/Meeting Hall						S	S			P	P	S	P	P				§8.4.P		
Recreation, Indoor								P	S	P	P	P	S	P						
Recreation, Outdoor										S		S								
<b>Office</b>																				
Financial Institution								P	P	P	P	P	P	P						
Office								P	P	P	P	P	P	P		P	P			
Industrial Design								P	P	P	P	P	P	P						
Research and Development (R&D)										S	S	S					P			
<b>Medical</b>																				
Hospital																	P			
Medical Marijuana Dispensary								P	P	P	P	P	P	P			P	State Statute 410 ILCS 130		
Medical/Dental Clinic								P		P	P	P	P	S			P			
<b>Industrial</b>																				
Industrial – Light										S	S	S								
Micro-Brewery										P	P	S		S						
Micro-Distillery										P	P	S		S						
Micro-Winery										P	P	S		S						
Storage Yard (Outdoor)										S		S						§8.4.Q		
Vehicle Operation Facility – Fully Enclosed										S	S	S						§8.4.S		
Vehicle Operation Facility - With Outdoor Storage										S								§8.4.S		
Warehouse & Distribution										S		S								
Wholesale Establishment										S		S								
<b>Transportation</b>																				
Drive-Through Facility										S	S	S		S				§8.4.I		
Helipad																	S	§8.4.K		
<b>Other</b>																				
Broadcasting Facility – TV/Radio With Antenna										S		S		S		S				
Broadcasting Facility – TV/Radio Without Antenna								P	P	P	P	P		P		P				
Wireless Telecommunications Antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	§8.4.U		
Wireless Telecommunications Tower														S		S		§8.4.U		

<sup>1</sup> Use restrictions for this district are found in Section 8.3

**PLAN COMMISSION RECOMMENDED DRAFT**

<b>TABLE 8-1: USE MATRIX</b>																			
<b>Temporary Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3 -50 &amp; -35</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>R-7</b>	<b>DT<sup>1</sup></b>	<b>HS</b>	<b>GC</b>	<b>MS<sup>1</sup></b>	<b>NA</b>	<b>NC<sup>1</sup></b>	<b>RR<sup>1</sup></b>	<b>OS</b>	<b>I</b>	<b>H</b>	<b>Use Standard</b>	
Farmers' Market	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			§8.5.A
Real Estate Sales Office/Model Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			§8.5.B
Temporary Contractor's Office and Contractor's Yard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		§8.5.C
Temporary Mobile Food Sales								P	P	P	P	P	P	P	P	P	P		§8.5.D
Temporary Pop-Up Business								P	P	P	P	P	P	P		P			§8.5.E
Temporary Outdoor Entertainment/Promotional Event	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			§8.5.F
Temporary Outdoor Sales	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P			§8.5.G
Temporary Outdoor Storage Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		§8.5.H

<sup>1</sup> Use restrictions for this district are found in Section 8.3

#### 8.4 PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

##### A. Animal Care Facility

1. Exterior exercise areas must be located to the interior side or rear of the principal building on the lot. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against weather.
2. Exterior exercise areas are prohibited in required setbacks.
3. Exterior exercise may be located on rooftop, when determined by the Village to be structurally sound for such use.
4. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.
5. All animal overnight boarding facilities must be located indoors.

##### B. Bed and Breakfast

1. Bed and breakfasts require a license from the Village in accordance with Article 32, Chapter 8 of the Municipal Code.
2. Bed and breakfasts are allowed only within single-family dwellings.
3. Bed and breakfasts must not generate a significant increase in pedestrian or vehicular traffic within the residential district in which it is located.
4. Bed and breakfasts must not change the character of the single-family dwelling unit or adversely affect the character of the neighborhood or the enjoyment of adjacent properties.
5. No bed and breakfast may be located within 500 feet of one another. Special use approval is required to waive or reduce this spacing requirement and such waiver or reduction must find that reduced or waived spacing would not alter the residential character of the neighbor or have an adverse impact on surrounding properties.

##### C. Car Wash

1. The car wash operation must be conducted in a wholly enclosed building.
2. Car wash facilities must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall.
3. The site must be designed to drain away from adjoining properties or self-contained.
4. A minimum of four stacking spaces per car wash bay are required. Stacking spaces must be designed in accordance with the applicable stacking space design standards of drive-through facilities.

##### D. Community Garden

1. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation but playground equipment is prohibited.
2. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures such as sheds, gazebos, and pergolas are also permitted. Such structures may not be located in required setbacks.



**E. Community Residence**

1. Community residences must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. The facility must retain a residential character, which is compatible with the surrounding residential neighborhood.
3. All applicants are required to submit a statement of the exact nature of the community residence, the qualifications of the agency that will operate the community residence, the number and type of personnel who will be employed, and the number and nature of the residents who will live in the community residence. No certificate of occupancy will be issued until such statement is submitted.

**F. Contractor Shop**

A showroom is required at the front of the building where facing a major street and is visible to the public.

**G. Day Care Center**

1. Day care centers must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements. Open space and/or recreational areas must be provided as required by the State of Illinois licensing requirements.
2. Any outdoor play areas must be physically separated from any parking areas and enclosed by a fence a minimum of six feet and a maximum of seven feet in height. No open space and/or play areas may be located within a required front or corner side setback.
3. A pickup/drop off area must be provided. When a day care center is part of a multi-tenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.

**H. Day Care Home**

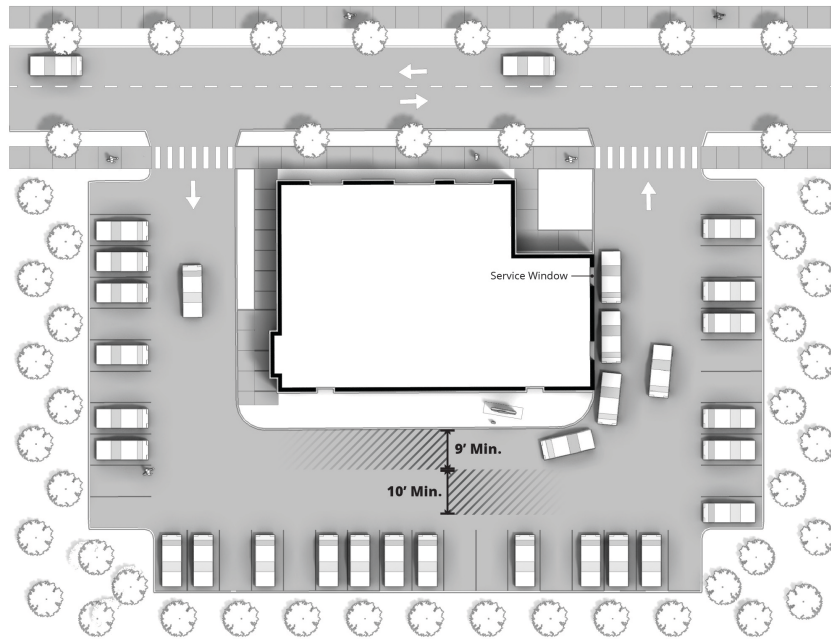
1. Day care homes must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements. Open space and/or recreational areas must be provided as required by the State of Illinois licensing requirements. Any outdoor play areas must be physically separated from any parking areas.
2. The facility must retain a residential character that is compatible with surrounding residential neighborhood.

**I. Drive-Through Facility**

1. All drive-through facilities must provide a minimum of three stacking spaces per lane or bay, unless additional stacking spaces are required specifically by Article 10. Stacking spaces provided for drive-through uses must be:
  - a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length.
  - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menuboard). Spaces must be placed in a single line behind each lane or bay.
2. All drive-through lanes must be located and designed to ensure that they do not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
3. Additional screening may be required as part of special use approval to minimize the impact of exterior site lighting, headlight glare, menuboards, and intercom sound.
4. The volume on all intercom menu displays must comply with all local noise regulations.
5. The operator of the drive-through facility must provide outdoor waste receptacles.

6. A drive through lane must have bail-out capability for all vehicles that have entered the drive through lane. The bail-out lane must be a minimum width of 10 feet in width and run parallel to the drive through lane. If a bail-out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

**DRIVE-THROUGH FACILITY DESIGN**



**J. Gas Station**

1. All gas station driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets. Gas stations are limited to two curb cuts.
2. Gas stations may offer convenience items for sale.
3. All sides of a building that is part of a gas station must express consistent architectural detail and character. All site walls, screen walls, and pump island canopies and other outdoor covered areas must be architecturally integrated with the building by using similar material, color, and detailing.
4. Gas stations may also include an automatic car wash with one bay.
5. The volume on any audio component must be maintained at a level so as not to be audible in adjoining properties. The volume on any audio component must comply with all local noise regulations. Audio components are permitted only on the gas station pump. Audio components are prohibited as part of any other structure, including canopies and buildings.

**K. Helipad**

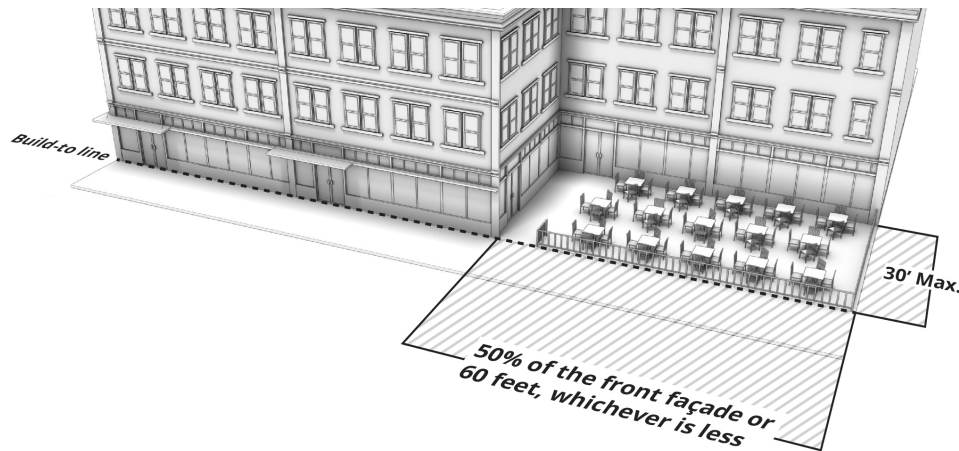
1. The helipad must meet all applicable standards of the United States Department of Transportation, Federal Aviation Administration, and the Illinois Department of Transportation, Division of Aeronautics, and must be designed and constructed in accordance with all state and federal regulations.
2. All structures must meet the yard requirements of the district where it is located. This does not apply to equipment installed as part of helipads, such as antennas or light arrays.

**L. Outdoor Dining**

These standards apply to outdoor dining for non-residential uses, such as restaurants, located on private property. Outdoor dining located on public property is subject to Chapter 22, Article 10 of the Municipal Code.

1. Outdoor dining is considered a separate principal use. Outdoor dining may only be established when allowed as a use within a zoning district and in conjunction with another principal use, such as a restaurant.
2. Outdoor dining must not interfere with any pedestrian access or parking spaces and aisles.
3. The Zoning Administrator may require seating areas to be delineated through paint, bollards, planters, temporary fencing, or other similar structures to prevent unauthorized encroachments.
4. When a structure is required to be constructed at a build-to line or build-to zone, the structure may have up to 50% or 60 linear feet of the front façade, whichever is less, designated as outdoor dining within a maximum setback of 30 feet from the required build-to line or the smaller dimension of the build-to zone.

**PERMITTED OUTDOOR DINING BUILDING SETBACK**



**M. Place of Worship**

Places of worship in the non-residential districts are subject to the dimensional standards of the R-7 District for a non-residential use.

**N. Reception/Banquet Facility**

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar.
2. All main activities, such as dining and entertainment, must be held within a completely enclosed building.
3. Outdoor seating areas are permitted for the use of guests.
4. If a reception facility conducts main activities outdoors, special use approval is required for the outdoor area.

**O. Residential Care Facility**

1. Residential care facilities must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. A copy of state license must be visible at all times.
3. When located in a residential district, the facility must retain a residential character, which is compatible with the surrounding residential neighborhood. When located in a non-residential district, the structure must be designed with a lobby entrance along the primary frontage.

4. Residential care facilities must meet all district design and dimensional standards for multi-family dwellings.
5. In the DT District, residential care facilities must be located above the ground floor. The ground floor is reserved for allowed non-residential uses.

**P. Social Lodge/Meeting Hall**

1. No more than 50% of the total floor area may be used as office space for the social lodge/meeting hall.
2. Social lodges/meeting halls are permitted to serve meals and alcohol on the premises for members only.
3. Sleeping facilities are prohibited.
4. Social lodges/meeting halls leased or used as reception halls must comply with the requirements for reception halls.

**Q. Storage Yard (Outdoor)**

1. A storage yard must be completely enclosed along all lot lines by a solid wood fence or masonry wall a minimum of eight feet and a maximum of ten feet in height, including ingress and egress. Fences or walls along the front or corner side lot line must be set back a minimum of ten feet. Within the setback, one shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall.
2. Storage of any kind is prohibited outside the fence or wall. No items stored within the fence may exceed the height of the fence or wall for the first 50 feet back from the fence or wall.
3. The storage area should be located to the rear of the lot where possible. Any structures must be located towards the front of the lot, in compliance with the front yard of the underlying zoning district.
4. Outdoor storage areas must be surfaced with an all weather dust-free material and graded to drain all surface water.

**R. Vehicle Dealership and Vehicle Rental**

1. All repair and service operations must be performed within a fully enclosed building. Fueling facilities must be located to the rear of the lot.
2. Any outdoor display of vehicles must be screened along front and corner side yards along the perimeter of outdoor display areas. The screening must consist of shrubs a minimum of three feet in height, spaced linearly and planted every three feet on center, or a low pedestrian wall a minimum of three feet to a maximum of four feet in height.
3. All outdoor display areas must be paved.
4. No vehicles may be displayed with open hoods.
5. No partially dismantled or wrecked vehicle may be stored outdoors on the premises.
6. No attention-getting devices may be attached to vehicles.

**S. Vehicle Operation Facility**

All repair and service operations must be performed within a fully enclosed building. Fueling facilities must be located to the rear of the lot.

**T. Vehicle Repair/Service – Minor and Major**

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than seven days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
2. All repair and service operations must be performed within a fully enclosed building. All equipment and parts must be stored indoors.

3. Vehicle repair/service establishments must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of five feet and a maximum of six feet in height.
4. No partially dismantled or wrecked vehicle may be stored outdoors on the premises.
5. The sale of used or new automobiles is prohibited.
6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

**U. Wireless Telecommunications Antennas and Towers**

**1. Application Requirements**

In addition to the requirements for a special use, all applications to erect, construct, or modify any part of a wireless telecommunications antenna or tower must include the following items, unless waived by the Zoning Administrator.

- a. A site plan showing:
  - i. The location, size, screening, and design of all structures, including fences.
  - ii. The location and size of all outdoor equipment.
  - iii. Elevations showing antenna height.
  - iv. A landscape plan showing all screening.
  - v. If the site plan is for a new wireless telecommunications tower, indication of the fall zone (shaded circle).
- b. A maintenance plan, and any applicable maintenance agreement, designed to ensure long-term, continuous maintenance to a reasonably prudent standard, including maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.
- c. A disclosure of what is proposed, demonstrating the need for the wireless telecommunications antenna or tower to be located where proposed.
- d. The reason or purpose for the placement, construction, or modification, with specific reference to the provider's coverage and/or quality needs, goals, and objectives.
- e. The service area of the proposed wireless telecommunications antenna or tower.
- f. If the proposal is for a new telecommunications tower, then a map showing co-location opportunities within the Village and within areas surrounding the borders of the Village must be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.
- g. Certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.
- h. A visual simulation or rendering of the proposed support structure that illustrates the relationship between the height and the visual appearance of the structure. The Zoning Administrator may require the visual simulation be provided from two different perspectives and accurately depict the scale of the proposed structure in the context of the surrounding area.
- i. Exterior elevations of the wireless telecommunications towers and/or facilities.

**2. Setbacks**

All wireless telecommunications towers in non-residential districts must be set back from all property lines in accordance with the minimum setback requirements in the zoning district or 30 feet, whichever is greater. In residential districts, all wireless telecommunications towers must be setback a minimum of half of the height of

the tower and all facilities must be set back from all lot lines in accordance with the minimum setback requirements in the district or 30 feet, whichever is greater.

**3. Height**

- a. The maximum height of a wireless telecommunications tower is the height of the district. If the proposed height exceeds the district maximum, the special use application for approval of a wireless telecommunications tower must demonstrate that the height needed for the tower is the minimum needed to function satisfactorily.
- b. No antenna may increase the overall existing height of the structure by more than seven feet above the roof on which it is mounted.

**4. Lighting and Marking**

Wireless telecommunications antennas and towers must not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

**5. Additional Standards for Telecommunications Antennas**

- a. Wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer. This does not apply to antennas that co-locate on existing wireless telecommunications towers.
- b. Antennas may be located on or in structures already allowed within zoning districts, such as water towers, clock towers, light poles, penthouses, parapet walls and steeples, and must blend into the structure.

**6. Additional Standards for Wireless Telecommunications Towers**

- a. The ability for other telecommunications providers to co-locate on a tower is required. Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
- b. Unless otherwise required by the FCC, the FAA, or the Village, towers must have a galvanized silver or gray finish and may not be lighted.
- c. Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation is prohibited. The facility must be un-staffed.
- d. Signs for the wireless telecommunications facility are limited to ownership and contact information, FCC antenna registration number (if required), and any other information required by government regulation. Commercial advertising is strictly prohibited.
- e. A facility must be completely enclosed by a solid fence or wall a minimum of six feet and a maximum of seven feet in height.

**7. Abandonment**

Any wireless telecommunications antenna, tower, or facility that is not operated for a period of 180 consecutive days is considered abandoned. The owner must remove the antenna, tower, or facility, and all aboveground equipment and related debris, within 180 days of its abandonment. The Village may ensure and enforce removal by means of its existing regulatory authority.

**8. Nonconformities**

- a. Ordinary maintenance, including replacement/upgrading, of antenna equipment may be performed on nonconforming antennas or towers. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or tower, a special use is required.
- b. Co-location of an antenna on an existing nonconforming tower is permitted as a special use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not intensify the nonconformity.

## 8.5 TEMPORARY USE STANDARDS

Temporary uses are required to comply with the standards of this section, in addition to all other regulations of this Ordinance. These regulations are for temporary uses located on private property. All temporary uses require a temporary use permit unless specifically cited as exempt or are required to obtain a license per the Municipal Code.

### A. Farmers' Market

Farmers' markets must meet the standards and any licensing requirements of Chapter 18, Article 2 of the Municipal Code.

### B. Real Estate Sales Office/Model Unit

1. A real estate sales office/model unit(s) is allowed for any planned unit development with a residential component or for a multi-family dwelling. Multiple model units are allowed.
2. A real estate sales office/model unit(s) may be located off-site. No real estate sales office/model unit(s) may be located in a manufactured/mobile home.
3. The real estate sales office/model unit(s) must be removed and closed within 30 days after the sale or rental of the last unit of the development.
4. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

### C. Temporary Contractor's Office and Contractor's Yard

1. A temporary contractor's office is allowed incidental to a construction project.
2. The temporary use permit is valid for a six month period and is renewable for six successive periods at the same location.
3. The temporary contractor's office must be removed within 30 days of completion of the construction project.
4. A contractor's yard is permitted on or adjacent to any construction demolition and can only be used during the life of the construction project.

### D. Temporary Mobile Food Sales

Temporary mobile food sales must meet the standards and any licensing requirements of (*reference needed*) of the Municipal Code.

### E. Temporary Pop-Up Business

1. Any commercial business within the retail and service categories of the use matrix in Table 8-1 are allowed as part of the temporary pop-up business use, subject to approval of the temporary use permit. Both permitted and special uses within those categories are allowed. No special use approval is required for those uses designated as a special use.
2. The timeframe of a temporary pop-up business use, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.
3. The temporary pop-up business use will be evaluated on the basis of the adequacy of the lot size, traffic access, and the absence of undue adverse impact, including noise, on other properties.
4. Any temporary pop-up business uses that involve food sales must be properly licensed by the health department.
5. Written permission from the property owner must be submitted as part of the temporary use permit application.



**F. Temporary Outdoor Entertainment/Promotional Event**

1. A management plan is required as part of the temporary use permit application that demonstrates the following:
  - a. The on-site presence of a manager during the event.
  - b. General layout of performance areas, visitor facilities, such as seating areas and restrooms, parking areas, and all ingress and egress points to the site.
  - c. Provision for waste removal and for recycling, if available.
  - d. The days and hours of operation, including set-up and take-down times.
  - e. A description of crowd control and security measures.
2. Any temporary structures must be removed within three days of conclusion of the event.
3. Events are limited to four events per calendar year and a maximum duration of five days per event, with a minimum of 30 days between events. This limitation applies to the lot, not the operator of the temporary use. The following exceptions apply:
  - a. A temporary use permit for a carnival or circus is valid for a period of four events per calendar year no more than 15 days per event, with a minimum of 30 days between events.

**G. Temporary Outdoor Sales**

1. A management plan is required as part of the temporary use permit application that demonstrates the following:
  - a. An established set of operating rules addressing the governance structure of the sales event, hours of operation, maintenance, and security requirements.
  - b. General layout of vendor stalls, visitor facilities, such as seating areas and restrooms, parking areas, and all ingress and egress points to the site.
  - c. Provision for waste removal and for recycling, if available.
  - d. The days and hours of operation, including vendor set-up and take-down times.
2. Any temporary structures must be removed within three days of conclusion of the event.
3. Temporary outdoor sales events are limited to four events per calendar year and a maximum duration of five days per event. This limitation applies to the lot, not the operator of the temporary use. The following exceptions apply:
  - a. A temporary use permit for a seasonal sale, such as Christmas tree lots or pumpkin patches, are limited to four events per calendar year and a maximum duration of 45 days. There is no minimum time between events.
  - b. A portion of a parking area may be used for temporary outdoor sales on a temporary basis for a maximum of 30 days no more than two times in a calendar year, in terms of both display structure and goods displayed or sold. Permanent display structures are prohibited in parking areas. No more than 10% of the required parking area for the existing use may be used for the temporary outdoor sales and display.
4. No sales and display area is permitted in any public right-of-way.



**H. Temporary Outdoor Storage Container**

1. Temporary storage containers are permitted in any zoning district when used for loading or unloading. Containers are permitted on site for a period not to exceed 72 hours with no temporary use permit. If a longer time period is required, a temporary use permit is required.
2. Temporary storage containers may not be used for permanent storage. They may not serve as a substitute for permanent storage needs on the site on which they are located. Containers may not be permanently attached to the ground, serviced with permanent utilities, or stacked on the site.



## ARTICLE 9. SITE DEVELOPMENT STANDARDS

- 9.1 GENERAL REQUIREMENTS
- 9.2 EXTERIOR LIGHTING
- 9.3 ACCESSORY STRUCTURES AND USES
- 9.4 PERMITTED ENCROACHMENTS
- 9.5 ENVIRONMENTAL PERFORMANCE STANDARDS

### 9.1 GENERAL REQUIREMENTS

#### A. Number of Structures on a Lot

In R-1 through R-5 Districts, there must be no more than one principal building per lot. This does not include permitted accessory structures including permitted coach houses. This also does not apply to educational facilities or places of worship. In all other districts, more than one principal building is permitted on a lot, provided that it complies with all dimensional standards of the district.

#### B. All Activities within an Enclosed Structure

Within all districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following uses and activities:

1. Parking lots, principal and ancillary.
2. Park/playground and similar open space uses.
3. Establishments with a permitted outdoor component that is integral to their function, including, but not limited to, outdoor recreation, outdoor storage yards, heavy retail and rental, heavy service, outdoor dining, car washes, animal care facilities, and similar businesses as determined by the Zoning Administrator.
4. Permitted outdoor storage, and outdoor sales and display areas.
5. Permitted outdoor temporary uses.

#### C. Applicability of Required Setbacks

No lot may be reduced in area so that the setbacks are less than required by this Ordinance. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless specifically permitted by this Ordinance or a variation is approved.

#### D. Applicability of Dimensional Requirements

All structures must meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure it is located unless a variation is approved.

#### E. Sight Triangle

All structures, including a closed fence or wall, and plantings must not violate the required sight triangle.

### 9.2 EXTERIOR LIGHTING

#### A. Lighting Plan Required

1. A lighting plan is required for all non-residential uses, and multi-family dwellings. Single-family, two-family, and townhouse dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.
2. A lighting plan must include the following:
  - a. A plan showing all light pole locations, building-mounted lights, bollard lights, and all other lighting.
  - b. Specifications for luminaires and lamp types, and poles, including photographs or drawings of proposed light fixtures.

- c. Pole, luminaire, and foundation details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.
- d. Elevations of the site including all structures and luminaires sufficient to determine the total cut off angle of all luminaires and their relationship to abutting parcels.
- e. Photometric plans that show the footcandle measurement at all lot lines.
- f. Other information and data reasonably necessary to evaluate the required lighting plan.

**B. Maximum Lighting Regulations**

- 1. The maximum allowable footcandle at any lot line is one footcandle.
- 2. When additional security lighting is required for security reasons in excess of the footcandle limit imposed by item 1 above, additional lighting may be allowed based on evidence for the need for additional security through design review.
- 3. No glare onto adjacent properties is permitted.

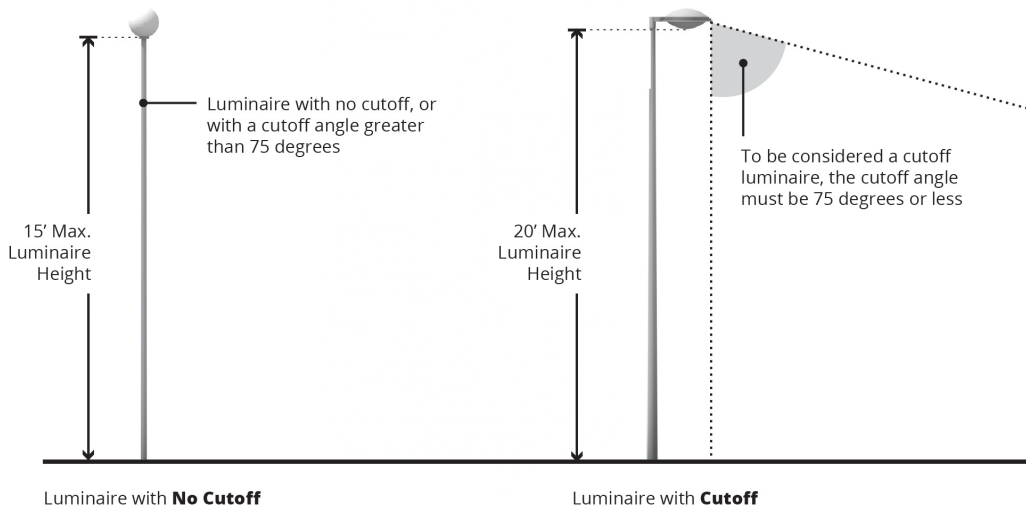
**C. Luminaire with Cut Off Standards**

- 1. To be considered a cut off luminaire, the cut off angle must be 75 degrees or less.
- 2. The maximum total height of a cut off luminaire, either freestanding or attached to a structure, is 20 feet.
- 3. A cut off luminaire must be designed to completely shield the light source from an observer three and one-half feet above the ground at any point along an abutting lot line.

**D. Luminaire with No Cut Off Standards**

- 1. A luminaire is considered to have no cut off if it is unshielded or has a cut off angle greater than 75 degrees.
- 2. The maximum permitted total height of a luminaire with no cut off is 15 feet.

**LUMINAIRE DEISGN**



**E. Exceptions to Lighting Standards**

1. Luminaires used for public roadway illumination are exempt from the requirements of this section.
2. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are exempt from the requirements of this section.
3. In the OS and I Districts, lighting for outdoor recreation fields is permitted to the maximum building height of the district. A taller height may be allowed through special use approval. However, any existing lighting for outdoor recreation fields, in any district, as of the effective date of this Ordinance, is deemed conforming at its current height and may be repaired and replaced. Any conditions imposed as part of the special use approval for such lighting remain in effect and any changes to such conditions must be approved as a special use.
4. Certain temporary uses may be unable to meet the requirements of this section. When such temporary uses are allowed, approval of all lighting is required as part of the temporary use permit.

**F. Prohibited Lighting**

1. Flickering or flashing lights are prohibited.
2. Searchlights, laser source lights, or any similar high intensity lights are prohibited.

**9.3 ACCESSORY STRUCTURES AND USES**

All accessory structures and uses are subject to the requirements of this section and the permitted encroachment requirements of Section 9.4. Additional accessory structures not regulated in this section may be regulated in Section 9.4.

**A. General Regulations for Accessory Structures**

All accessory structures are subject to the following regulations, in addition to any other specific regulations within this section.

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory.
2. A building permit may be required for the construction of an accessory structure, per the Village Building Code.
3. Only those accessory structures permitted by this section and Section 9.4 are permitted in required setbacks, as stated in the district standards. Certain accessory structures may also be prohibited in certain yards.
  - a. The use of the term “yard” refers to the area between the applicable building line and lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension.
  - b. If a structure is permitted within a yard, it is permitted within the required setback subject to additional limitations.
  - c. Where there is no structure to determine yard location, yards are the same as the minimum district setback dimensions and the accessory structure is permitted in the buildable area.
4. The maximum height of any detached accessory structure is 20 feet, unless otherwise permitted or restricted by this Ordinance.
5. Detached accessory structures, including those listed in this section and Section 9.4, must be setback as follows, unless otherwise permitted or restricted by this Ordinance:

- a. One foot from any interior side lot line.
  - b. No closer to the front or corner side lot line than the front building façade line, unless specifically allowed by this Ordinance.
  - c. No closer than four feet from any rear lot line, unless there is no access on the rear side, in which case no closer than one foot from the rear lot line.
6. Detached accessory structures are limited to 20% coverage of the lot in total. Detached accessory structures are included in and must comply with all maximum impervious surface and building coverage requirements.
7. The footprint of a detached accessory structure cannot exceed the footprint of the principal building.

**B. Awnings and Canopies (Non-Residential Uses)**

Awnings and canopies for non-residential uses are subject to the following standards. Awnings and sunshades for residential uses are controlled by the provisions of Section 9.4.

**1. Permitted Awnings and Canopies**

- a. Awnings must be straight sheds or canopies.
- b. Awnings or canopies must be made of glass, steel, canvas, and other natural fabric.
- c. Awnings are permitted along the first floor only.
- d. Individual awnings or canopies are permitted for each storefront bay.
- e. The front extended edge should be compatible in height to others in the same block, but must maintain a minimum vertical clearance of seven feet above grade.
- f. Awnings must be constructed to discourage harborage of birds. Structural elements must be primed and painted, anodized, or powder-coated with electrostatic paint.
- g. Canopies may be supported by cables or chains affixed to the building, or supported by brackets affixed to the wall but no lower than seven feet above grade.

**2. Prohibited Awnings and Canopies**

- a. Slatted metal, vinyl, plastic, and other synthetic materials are prohibited.
- b. Bubbledome and arches on quarter vaults awnings and canopies are prohibited.
- c. Back-lit and internally illuminated awnings are prohibited.
- d. Use of continuous awnings or canopies across multiple storefront bays should be avoided.

**C. Amateur (HAM) Radio Equipment**

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria set forth in Section 9.5 are permitted in the rear yard only, and must be located ten feet from any lot line and any principal building. Towers are limited to the maximum building height of the applicable district plus an additional five feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications and a special use approval is obtained.
2. Antennas may also be building-mounted and are limited to a maximum height of five feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.

3. Every effort must be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.
4. An antenna or tower that is proposed to exceed the height limitations is a special use. The operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard and that it conforms to all applicable performance criteria of Section 9.5. As part of the application, the applicant must submit a plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and accessory structures.
5. Any such antennas and/or towers owned and operated by the Village are exempt from these requirements.

**D. Apiary**

Apiaries must comply with Chapter 20, Article 11 of the Village Code.

**E. Automatic Teller Machines (ATM)**

Automatic teller machines (ATM) are not permitted as freestanding outdoor facilities. ATMs must be accessory to a non-residential use. Any ATMs located outdoors must be accessory to, and physically part of, a building occupied by a financial institution or in an approved drive-up facility located on the same lot as the financial institution. ATMs may be accessible by automobile as part of a financial institution, provided there are no pedestrian and vehicular conflicts resulting from the placement of the ATM.

**F. Book Exchange Box**

1. Book exchange boxes are permitted in front or side corner yard only and must be located a minimum of one foot from any lot line, measured from the base of the book exchange box.
2. No book exchange box may be located so that it impedes pedestrian access or circulation, obstructs parking areas, or creates an unsafe condition. Boxes cannot obstruct the sight triangle.
3. Boxes are prohibited in the public right-of-way.
4. Each box must be designed and constructed in such a manner that its contents are protected from the elements. All media must be fully contained within a weatherproof enclosure that is integral with the structure that comprises the book exchange box.
5. Boxes are limited to a maximum height of 60 inches to the highest point on the structure, and a maximum width and depth of three feet.
6. Foundations comprised of concrete, masonry pavers, or other similar movable materials are permitted.
7. No more than one book exchange box is permitted per lot.

**G. Breezeway**

Breezeways connecting a detached garage to the principal building are permitted provided that all vertical sides are no more than 25% enclosed at all times. Breezeways or canopies are not considered part of a principal building.

**H. Carport**

1. A carport is permitted in the interior side or rear yard only.
2. The total length of a carport is limited to 20 feet. The height of a carport is limited to 10 feet.
3. A carport must be entirely open on at least two sides except for the necessary supporting columns and customary architectural features.
4. A carport must be constructed as a permanent structure. Temporary tent structures are not considered carports.

**I. Chicken Coops**

The keeping of chickens must comply with (*reference needed*) of the Municipal Code. In addition, chicken coops must comply with the following:

1. Chicken coops are permitted in the rear yard only.
2. No hens may be kept or raised within a dwelling.
3. The chicken coop must provide a minimum of three square feet per hen.
4. The chicken coop must be located upon an impermeable surface that prevents waste run-off.

**J. Coldframe Structures**

1. Coldframe structures up to three feet in height are permitted in the interior side and rear yards.
2. Coldframe structures over three feet in height are permitted in the rear yard only.
3. Coldframe structures are limited to a maximum square footage of 60 square feet and a maximum height of six feet. When part of a community garden use, coldframe structures are permitted a maximum square footage of 120 square feet.

**K. Coach House**

1. Coach houses are permitted on a lot used for a single-family dwelling that is a minimum of 6,500 square feet in lot area.
2. A coach house must be located in a detached garage on the upper floor, above parking spaces located on the ground level. A detached garage with a coach house is subject to all standards of item N below, applicable to detached garages.
3. No more than one coach house is allowed per lot and only one dwelling unit may be located in a coach house.
4. No additional parking is required for a coach house.
5. New coach houses built after the effective date of this Ordinance must comply with the following:
  - a. New coach houses will be reviewed by the Zoning Administrator to ensure it relates to the design of the principal building.
  - b. New coach houses cannot exceed the height of the principal building.

**L. Fences and Walls**

**1. Fences for Residential Uses and H District**

- a. For interior lots, fences located within 35 feet of a front lot line or closer to the front lot line than the existing building, whichever is less, must be open fences and cannot exceed five feet in height.
- b. For corner lots, fences located within 35 feet of the intersection of two intersecting street lines or closer to the intersection point than the existing building, whichever is less, must meet the following requirements:
  - i. Fences must be open fences and cannot exceed five feet in height.
  - ii. In addition, when boards are used as the surface material for such fences, the boards cannot exceed five inches in width and three-quarters of an inch in thickness, and must be installed vertically to form a flat and at least 50% open surface with no less than three and one-half inches of fence open space between each board.



PLAN COMMISSION RECOMMENDED DRAFT  
Includes Motions Approved on Sept. 5, 2017

c. Fences located more than 35 feet from a front lot line or behind the front of an existing building and less than 15 feet from a corner side lot line cannot exceed six feet, in height, with the exception of fences authorized by Item e. below.

d. Fences located more than 35 feet from a front lot line or behind the front of an existing building and less than ten feet from a corner side lot line cannot exceed six feet in height, with the exception of fences authorized by Item e. below. However, if a letter of consent by the owner of record of the adjacent property is filed with the Zoning Administrator, a fence may be erected to seven feet in height.

e. Fences located less than ten feet from a rear lot line and parallel to such lot line cannot exceed eight feet in height.

f. Fences for townhouse developments are subject to the following additional regulations:

i. Fences located along any front lot line of a townhouse development that are less than ten feet from the front lot line and parallel to such lot line is permitted up to eight feet in height without an open fence requirement, when such fence separates a street and a yard located along the front lot line, where the yard functions as a private yard for the townhouse unit.

ii. The materials used for the construction of a fence along the front lot line of a townhouse development must complement the development and require the specific approval of the Village through the fence permit process.

iii. Fences separating such individual townhouse yards from each another cannot exceed seven feet in height.

## **2. Fences for Non-Residential Uses**

a. Fences located within 35 feet of a front lot line or closer to the front lot line than the existing building, whichever is less, must be open fences and cannot exceed five feet in height. However, open wire fencing and fences of wrought iron, steel or aluminum are permitted to a height of eight feet.

b. Fences located more than 35 feet from a front lot line cannot exceed eight feet in height.

## **3. General Requirements for All Fences**

a. The height of a fence includes all gates and appurtenances.

b. If an open wire fence is erected, it is preferred that the fence, including gates and appurtenances, be coated with black or brown vinyl coating. Chain link and open wire fencing is prohibited in the front yard and in any portion of the corner side yard that is forward of the front building line.

c. If a fence of a greater height and/or is required to be a solid fence by any other section of this Ordinance or other Village ordinance, then such fence is permitted.

d. All fences must be maintained in a non-deteriorated and rust-free condition. Posts must be set and maintained vertically.

e. Barbed wire fences are prohibited.

f. No spikes, nails, or any kind of pointed instrument may be installed on any railing, fence, guard, or other barrier or protection.

g. Electrical fences or any kind of electrically charged fence are prohibited.

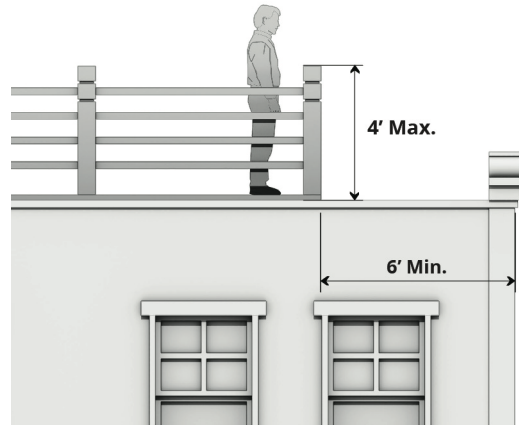
## **M. Flat Roof Features**

1. Accessory rooftop features of a flat roof, such as rooftop decks, rooftop gardens, and stormwater detention systems are permitted below the parapet of any flat roof building, and are excluded from the calculation of maximum building height.

2. Rooftop decks or patios must be set back six feet from all building edges.

3. Rooftop decks or patios must have a guardrail that is minimum of 30% open and a maximum of four feet in height as measured from the surface of the roof deck or patio.

**ROOFTOP DECK DESIGN**



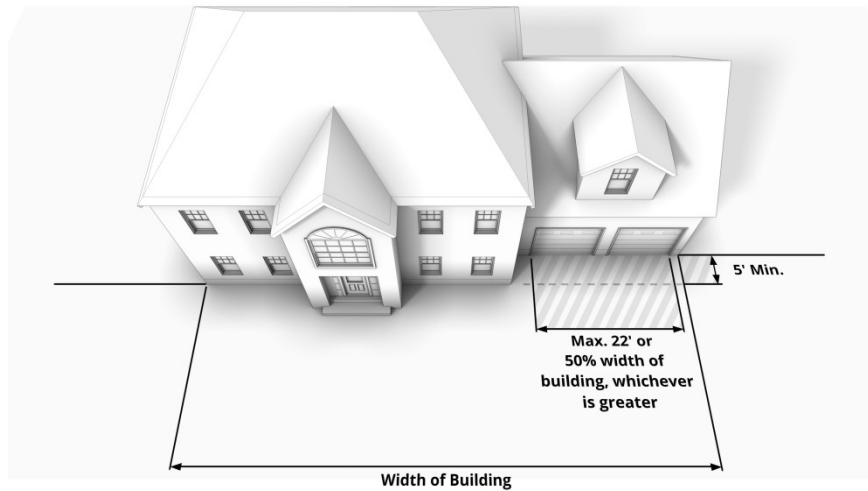
**N. Garage**

The following standards apply to residential garages, with the exception of multi-family dwellings.

**1. Attached Garages**

- a. Front-loaded attached garages are limited to 50% of the width of the front building facade line or 22 feet, whichever is greater. Garage width is measure between garage doors; in the case of garages designed with multiple garage doors, the distance is measure between the edge of the outmost doors.
- b. Attached garages must be set back a minimum of five feet from the front building wall, which excludes any architectural elements, such as bay windows or unenclosed porches.

**ATTACHED GARAGE DESIGN**



**2. Detached Garages**

- a. One detached garage is permitted per lot.
- b. Detached garages are permitted in the rear and interior side yards. Detached garages must be set back a minimum of five feet from the front building facade line. No setback is required from any side or rear building façade line.
- c. If a lot abuts a public alley that provides adequate access to a street, a detached garage must be constructed so that access is from the public alley.

**O. Home Occupation**

1. Home occupations are permitted in any dwelling unit as an accessory use provided that this use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling unit or adversely affect the surrounding residential district of which it is a part.
2. A member or members of the immediate family occupying the dwelling and no more than one person who is not a resident member of the immediate family may be in the home at any given time to work in connection with the home occupation.
3. Home occupations of an office or service-related businesses are limited to one client at a time per home occupation in the structure. For purposes of this section, client means one or more persons meeting with for the office or service-related business home occupation.
4. No alteration of the principal building may be made that changes the residential character of that dwelling. Displays or activities that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are prohibited.
5. If the home occupation is conducted entirely within the principal building, no home occupation may occupy more than 25% of the total heated floor area of the dwelling unit in which it is located.
6. If the residents of a principal building also maintain a coach house for their personal use, a home occupation is limited to no more than 25% of the combined total heated floor areas of the principal building and the coach house. The home occupation may occupy the entire coach house as long as the total floor area of the home occupation in the couch house does not exceed 25% of the combined total heated floor area of the principal building and the coach house.
7. If a coach house is occupied as an independent second residence located on the same zoning lot as the principal building, then a home occupation conducted by residents of the coach house cannot occupy more than 25% of the total heated floor area of the coach house.
8. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
9. The home occupation and all related activity, including storage, must be conducted completely within the principal building or a permitted accessory structure.
10. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on the site. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
11. Any home occupation that involves internal or external alterations, or involves construction features or the use of electrical or mechanical equipment that would change the required fire rating of the structure, is prohibited.
12. The home occupation cannot create greater vehicular or pedestrian traffic than normal for a residential area. The home-based business and any related activity must not create any traffic hazards or nuisances in public rights-of-way.
13. Use or storage of tractor trailers, semi trucks, or heavy equipment, such as construction equipment used in a commercial business, is prohibited. Day care homes are not considered a home occupation and are regulated separately by this Code.
14. The following activities are prohibited as home occupations:
  - a. Repair and service of any vehicles or any heavy machinery is prohibited as a home occupation.
  - b. Rental services, where any materials for rent are stored on-site and customers visit the residence to pick-up and return the product

- c. Animal care facilities
- d. Barbershops, beauty salons, nail salons
- e. Funeral homes
- f. Large-scale manufacturing
- g. Medical/dental clinics
- h. Restaurant
- i. Social club or meeting hall

**P. Mechanical Equipment**

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment.

**1. Ground-Mounted Equipment**

- a. Mechanical equipment is permitted in the interior side or rear yard only.
- b. For multi-family and non-residential uses, ground-mounted mechanical equipment must be screened from view by a decorative wall or solid fence that is compatible with the architecture and landscaping of a development site. The wall or fence must be of a height equal to or greater than the height of the mechanical equipment being screened.

**2. Roof-Mounted Equipment**

- a. For structures four or more stories in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet by which the equipment extends above the roof.
- b. For structures less than four stories in height and for any building where roof equipment cannot meet the setback requirement of item a above, there must be either a parapet wall to screen the equipment or the equipment must be housed in solid building material that is architecturally integrated with the structure.

**3. Wall-Mounted Equipment**

- a. Wall-mounted mechanical equipment is not permitted on the front façade of the building or any façade of the building visible from a public street.
- b. For multi-family and non-residential uses, wall-mounted mechanical equipment that protrudes more than twelve inches from the outer building wall must be screened from view by structural features that are compatible with the architecture of the subject building.
- c. Wall-mounted mechanical equipment that protrudes less than twelve inches must be designed to blend with the primary color and architectural design of the subject building.
- d. These requirements do not apply to window air conditioning units.

**Q. Outdoor Sales and Display (Ancillary)**

These regulations apply only to outdoor sales and display located on the lot. Outdoor sales and display located on the public right-of-way must meet the requirements of (*reference needed*) of the Village Code.

- 1. Retail goods establishments in the non-residential districts are permitted to have accessory outdoor sales and display of merchandise. Such merchandise must be customarily sold on the premises.
- 2. All outdoor display of merchandise must be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or parking lots.

3. No item of merchandise may be placed within three feet of either side of an active door, or within ten feet directly in front of an active door.
4. A minimum clear width for pedestrian traffic of five feet is provided and maintained along the sidewalk.
5. No merchandise is to be displayed, stored, or otherwise left outdoors during non-operating hours of business.

**R. Outdoor Storage (Ancillary)**

The following uses are permitted outdoor storage: greenhouse/nursery – retail, including the growing of plants in the open, heavy retail and rental, heavy service, vehicle dealerships, vehicle rentals, vehicle operations facility, and vehicle repair/service - minor or major. The Zoning Administrator can also render an interpretation that a use not listed in this section would typically have outdoor storage and permit such use to include outdoor storage on the site. These uses are permitted ancillary outdoor storage in accordance with the following provisions:

1. No outdoor storage is permitted in any public right-of-way or located so that it obstructs pedestrian or vehicular traffic. Outdoor storage is prohibited in a required setback and in the front yard.
2. All manufacturing, assembly, repair, or work activity must take place inside an enclosed building.
3. No required parking area may be used as outdoor storage.

**S. Refuse and Recycling Containers**

Refuse and recycling container regulations apply only to new construction of multi-family dwellings and non-residential uses as of the effective date of this Ordinance.

1. Refuse and recycling containers are prohibited in the front or corner side yard. No dumpsters may be located on any public street.
2. All refuse and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. The wall or wall extension must be constructed as an integral part of the building's architectural design
3. The enclosure must be gated. Such gate must be solid and a minimum of five feet and a maximum of eight feet in height. Such construction requires a building permit. This requirement does not apply to refuse containers located adjacent to an alley.
4. The gate must be maintained in good working order and must remain locked except when refuse/recycling pick-ups occur. The gate must be architecturally compatible with other buildings and structures on the site.

**T. Satellite Dish Antennas**

**1. General Requirements**

- a. Satellite dish antennas must be permanently installed on a building, in the ground, or on a foundation, and cannot be mounted on a portable or movable structure.
- b. Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.
- c. Antennas no longer in use must be immediately removed.
- d. Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way. When located along the front building façade, a report must be submitted to the Zoning Administrator stipulating that the location on such façade is necessary for reception.

**2. Additional Standards for Large Satellite Dish Antennas**

Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

- a. Large satellite dish antenna are permitted only in the rear or interior side yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- b. Roof-mounting is permitted only if the satellite dish antenna is entirely screened from public view along the right-of-way by an architectural feature.
- c. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

**U. Solar Panels**

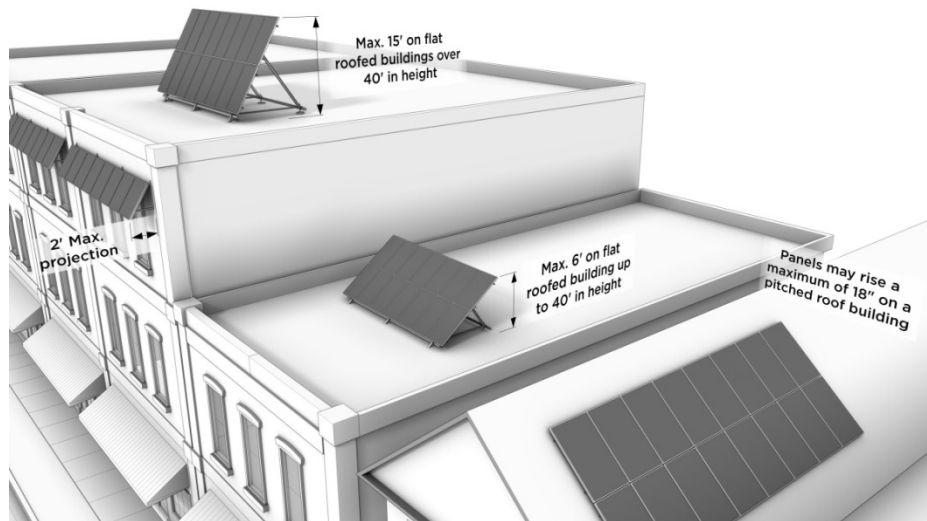
**1. General Requirements**

- a. A solar panel may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.
- c. Solar panels to be installed within a historic district must meet the Architectural Review Guidelines of the Historic Preservation Commission.

**2. Building-Mounted Systems**

- a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.
- d. Wall-mounted solar panels may project up to two feet from a building façade and must be integrated into the structure as an architectural feature.

**BUILDING-MOUNTED SOLAR PANELS**



**3. Freestanding Systems**

- a. A freestanding system is prohibited in the front or corner side yard.
- b. The maximum height of a freestanding system is eight feet.

**4. Co-Location**

Solar panels may be co-located on structures such as wireless communication towers and light poles.

**V. Tour House and House Museum**

1. Tour houses and house museums are allowed as an accessory use in the residential districts as a special use. No permit may be issued for this special use unless the applicant is licensed by the Village to operate a tour house within the Village. For purposes of this section, the license is deemed to have been issued if approval of the license is given by the Village, contingent upon the issuance of the special use permit. No permit issued for this special use is transferable to a subsequent owner of the property or any other party.

2. No tour house may be located less than 500 feet from a house museum or another tour house. Special use approval is required to waive or reduce this spacing requirement and such waiver or reduction must find that reduced or waived spacing would not alter the residential character of the neighbor or have an adverse impact on surrounding properties.

3. No tour house may be open to the public more than six days per week, and no tour house may be open to the public earlier than 10 A.M. or later than 5 P.M. on any given day. The applicant must submit a plan that describes the activities of the proposed use, including the number of annual tours and the distribution of those tours throughout the days and weeks of the year.

4. No ancillary commercial operations or retail sales are permitted. However, souvenirs and mementos which portray a likeness of the tour house or some portion thereof, or convey information specifically related to the tour house as its primary content, may be sold within the tour house by the resident or owner of the tour house. A token souvenir, such as a postcard or poster, may be offered without charge by the resident or owner of a tour house to each member of the public touring the tour house. The maximum floor area within the tour house devoted to the sale of such souvenirs and mementos must be no greater than 50 square feet.

5. No food service to members of the public touring a tour house is permitted.

6. No more than 20% of the floor area of any house so designated as a house museum may be used for any purpose other than museum space accessible to the public. For the purposes of this definition, the basement and unfinished attic space of any house museum is not included either in the calculation of the total floor space of the house museum or in the calculation of the 20% of the floor space which is eligible for use for any purpose other than museum space accessible to the public.

**W. Wind Turbines**

1. Wind turbines may be designed as either vertical or horizontal axis turbines, or designs that combine elements of the different types of turbines.

2. Wind turbines are subject to the following height restrictions:

- a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district. A taller height may be allowed by special use.

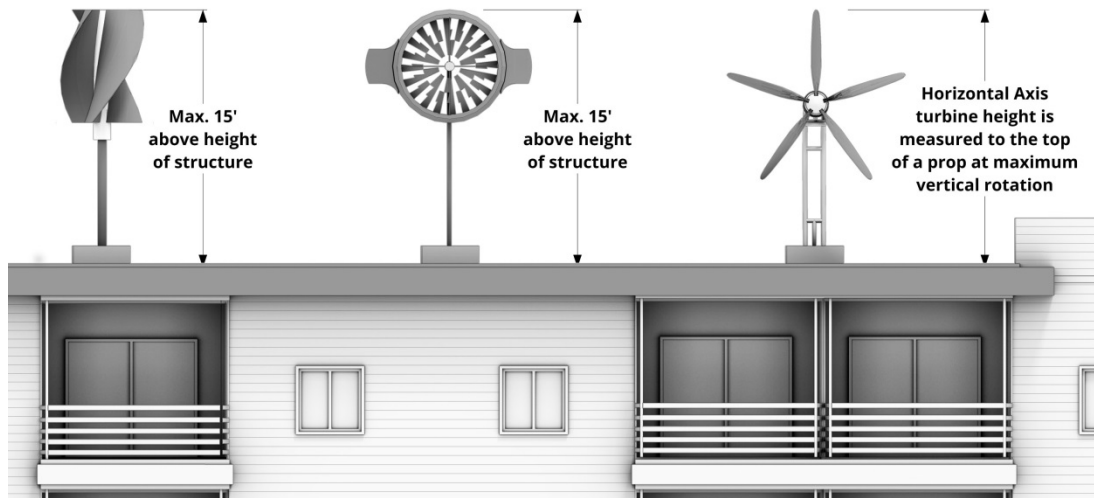
- b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.

- c. Maximum height is the total height of the turbine system as measured from the base of the tower. For vertical axis turbines, the maximum vertical height of the turbine blades is measured as the length of a prop at maximum vertical rotation.



- d. No portion of exposed turbine blades (vertical access wind turbine) may be within 20 feet of the ground. Unexposed turbine blades (horizontal access wind turbine) may be within 10 feet of the ground.

#### WIND TURBINE DESIGN



3. Ground-mounted wind turbines are permitted only in the rear yard. No part of the wind system structure, including guy wire anchors, may be located closer than 10 feet to any lot line. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.
4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.
5. Wind turbines to be installed within a historic district must meet the Architectural Review Guidelines of the Historic Preservation Commission.

#### 9.4 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of an accessory structure or architectural feature into a required setback. Permitted encroachments are indicated in Table 9-1: Permitted Encroachments into Required Setbacks.

- A. Section 9.3 contains regulations on additional accessory structures and architectural features not listed in Table 9-1, which may include additional permissions or restrictions for their permitted encroachment into required setbacks.
- B. Unless constructed concurrently with the principal building, accessory structures or architectural features require a building permit, unless exempted by this section.
- C. Unless otherwise indicated, all accessory structures and architectural features must meet the requirements for general accessory structures.
- D. When an attached or detached accessory structure or architectural feature regulated by Table 9-1 is permitted to locate in a required setback, it also indicates permission to locate in the corresponding yard.
- E. When an attached or detached accessory structure or architectural feature regulated by Table 9-1 is prohibited from encroaching in a required setback, the structure or architectural feature may be located in the corresponding yard beyond the required setback line unless specifically prohibited by the table.
- F. The RR District may have additional controls on permitted encroachments contained within the provisions of Section 5.4, which supersede the permissions of this Article in the case of conflict.

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

<b>Table 9-1: Permitted Encroachments Into Required Setbacks</b>				
<b>Y= Permitted // N= Prohibited</b>				
<b>Max. = Maximum // Min. = Minimum</b>				
	<b>Front Setback</b>	<b>Corner Side Setback</b>	<b>Interior Side Setback</b>	<b>Rear Setback</b>
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Window Unit <i>Max. projection of 18" from building wall</i> <i>No building permit required</i>	Y	Y	Y	Y
Arbor <i>No building permit required</i>	Y	Y	Y	Y
Awning or Sunshade (Residential Uses) <i>Max. of 18" into front, interior side, or corner side setback</i> <i>Max. of 5' into rear setback</i>	Y	Y	Y	Y
Balcony or Balustrade <i>Max. of 6' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Min. of 4' from any lot line</i> <i>Min. vertical clearance of 8'</i>	Y	Y	Y	Y
Bay Window <i>Max. of 5' into any setback</i>	Y	Y	Y	Y
Canopy: Building Entrance (Residential Uses) <i>Max. of 5' into any setback</i> <i>Max. 15' width or no more than 3' extension on either doorway side, whichever is less</i>	Y	Y	Y	Y
Chimney <i>Max. of 18" into setback</i>	Y	Y	Y	Y
Deck or Terrace <i>Max. of 5' into front, corner side, or interior side setback</i> <i>Max. of 8' into rear setback</i> <i>Prohibited in front yard</i> <i>Max. height of 5' above grade</i>	Y	Y	Y	Y
Dog House <i>Prohibited in front or corner side yard</i> <i>No building permit required</i>	N	N	N	Y
Eaves <i>Max. of 4' into setback</i>	Y	Y	Y	Y
Exterior Stairwell <i>Max. of 5' into rear or interior side setback</i> <i>Prohibited in front yard</i>	N	N	Y	Y
Fire Escape <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Gazebo or Pergola <i>Prohibited in front yard</i>	N	N	Y	Y
Greenhouse <i>Min. of 5' from any lot line</i> <i>Prohibited in front and corner side yard</i>	N	N	Y	Y
Personal Recreation Game Court <i>Prohibited in front and corner side yard</i> <i>Min. of 5' from any lot line</i>	N	N	N	Y
Playground Equipment <i>Prohibited in front and corner side yard</i> <i>Min. of 5' from any lot line</i>	N	N	N	Y
Porch - Unenclosed <i>Max. of 5' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Enclosed porches are considered part of the principal structure</i>	Y	Y	Y	Y

Table 9-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Shed <i>Prohibited in front yard</i> <i>No building permit required for sheds without a permanent foundation</i>	N	N	Y	Y
Sidewalk <i>No min. setback from lot lines</i>	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Stoop <i>Max. of 3' into setback</i>	Y	Y	Y	Y

## 9.5 ENVIRONMENTAL PERFORMANCE STANDARDS

All uses must comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

### A. Noise

No activity or use must be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state, and local regulations, as amended from time to time. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads, and aircraft.

### B. Glare and Heat

Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

### C. Vibration

No earthborne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

### D. Dust and Air Pollution

Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

### F. Discharge and Disposal of Radioactive and Hazardous Waste

The discharge of fluid and the disposal of solid radioactive and hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or waste. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

### G. Electromagnetic Interference

Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

### H. Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove the odor.

### I. Fire and Explosion Hazards

Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.



**ARTICLE 10. OFF-STREET PARKING & LOADING**

- 10.1 GENERAL REQUIREMENTS**
- 10.2 LOCATION OF OFF-STREET PARKING SPACES**
- 10.3 OFF-STREET PARKING DESIGN STANDARDS**
- 10.4 REQUIRED OFF-STREET VEHICLE AND BICYCLE PARKING SPACES**
- 10.5 PARKING FLEXIBILITIES, EXEMPTIONS, AND REDUCTIONS**
- 10.6 BICYCLE PARKING STANDARDS**
- 10.7 REQUIRED OFF-STREET LOADING SPACES**
- 10.8 COMMERCIAL AND RECREATIONAL VEHICLE STORAGE IN RESIDENTIAL DISTRICTS**

**10.1 GENERAL REQUIREMENTS**

**A. Existing Facilities**

1. The existing number of off-street parking and loading spaces may not be reduced below the requirements of this Ordinance. If the number of such existing spaces is already less than required, it may not be further reduced.
2. Existing off-street parking and loading areas that do not conform to the requirements of this Ordinance, but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a nonconforming site element.
3. If a building permit for a structure was issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of a permit, the number of off-street parking and loading spaces must be provided in the amount required at the issuance of the building permit unless the amount required by this Ordinance is less, in which case only the number required by this Ordinance needs to be installed.

**B. Grandfathering of Existing Spaces**

Existing structures as of the effective date of this Ordinance that currently do not provide the required amount of parking due to lack of sufficient space on the lot are exempt from off-street vehicle parking requirements regardless of any change in use or a change in intensity of use, subject to review and approval by Zoning Administrator. The Zoning Administrator may require the property owner to provide evidence that the structure has not historically provided sufficient parking. Once the principal building is demolished, this exemption is no longer valid. In addition, if the lot area is expanded (e.g., the adjoining lot is purchased), this exemption is no longer valid.

**C. Provision of Additional Spaces and Parking Maximums**

1. Nothing in this Ordinance prevents the voluntary establishment of additional off-street parking or loading facilities, provided that all regulations governing the location, design, and construction of such facilities are met and such excess spaces do not violate any parking maximum limitations.
2. Within non-residential districts, when parking lots are constructed for retail, service, recreation, office, medical, or industrial principal use over 15,000 square feet in gross floor area, the number of vehicle parking spaces provided in a parking lot may not exceed 120% of the required minimum. This does not apply to any parking provided in parking structures.
3. Within non-residential districts, multi-family dwellings and residential component of mixed-use within one-half mile of a transit station (trains only) are subject to a parking maximum of 1.5 spaces per dwelling unit.

**D. Provision of Car-Share Facilities**

Spaces within parking lots and structures may include designated parking spaces for car-share facilities. A car-share facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day, and is not considered a vehicle rental establishment. Spaces reserved for car-share facilities may count toward minimum parking requirements of this Ordinance and do not count toward any parking maximums.

**E. Completion of Off-Street Parking and Loading Facilities**

All off-street parking and loading facilities must be completed prior to the issuance of the certificate of occupancy for the use.

**F. Use of Parking and Loading Spaces**

All required parking and loading spaces must be used for vehicle parking and loading, as applicable. No required space may be used for storage or vehicle repair.

**10.2 LOCATION OF OFF-STREET PARKING SPACES**

**A. Residential Uses**

1. All required parking spaces for single-family, two-family, and townhouse dwellings must be located on the same lot as the residential use. Tandem parking is permitted, but both spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling.
2. For multi-family dwellings located in an R-6 or R-7 District, the required off-street parking spaces may be constructed or enlarged on a lot no more than 500 feet from the lot served provided they meet the standards of this section. The residential component of a mixed-use development is permitted the same off-site location subject to the same requirements.
  - a. The parking spaces are located in the same district or a less restrictive residential or non-residential zoning district.
  - b. The parking spaces are developed and maintained as an accessory use to the multi-family dwellings and used only in connection with the dwellings.
  - c. The total number of spaces provided within the parking lot do not exceed the minimum number of required parking spaces required for the multi-family dwelling.
3. For multi-family dwellings, parking spaces must be located to the side or rear of the dwelling behind the front building façade line or within an enclosed structure.

**B. Non-Residential Uses**

1. All required off-street parking spaces for non-residential uses in residential districts must be located on the same lot as the use served.
2. Off-street parking spaces for non-residential uses in the commercial or special purposes districts may be located on the same lot as the use served or on a lot not more than 250 feet from the lot served provided:
  - a. The parking spaces are located in the same or a less restrictive district.
  - b. The parking spaces are located on property that is under the same ownership or control as the building or use served.
  - c. The control may be established by a written agreement, in a form approved by the Village Manager, or his/her designee, with a term of not less than the duration of the use served.
  - d. Parking spaces for governmental agencies must be on a lot owned and operated by the same governmental agency.
  - e. The building or use being served must be located within the boundaries of the Village of Oak Park.
3. A restaurant use may provide valet service to a parking facility with no distance restriction.
4. Parking spaces for the DT, HS, MS, NC, and RR Districts must be located to the rear of the principal structure. In the GC District required parking may be located between the right-of-way and the front building façade line.

**C. Accessible Spaces**

When required, accessible spaces must be closest to the entrance of the structure, and connected by a paved surface designed to provide safe and easy access.

**10.3 OFF-STREET PARKING DESIGN STANDARDS**

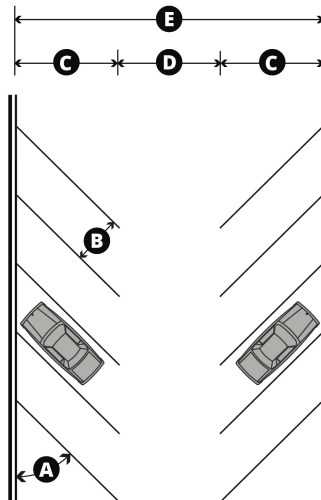
**A. Dimensions**

1. Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with Table 10-1: Off-Street Parking Space Dimensions. Other parking angles other than those described in Table 10-1 are permitted but must be approved by the Zoning Administrator and provide evidence of safe and efficient parking configuration and traffic circulation.
2. The maximum number of compact spaces allowed is as stated in Section 8-12-11 of the Municipal Code.
3. Accessible parking spaces must comply with the design and dimensional standards of the State of Illinois Accessibility Code.
4. Motorcycle and scooter parking spaces must measure at least four feet in width by eight feet in length and must be identified or designated through the use of signs or pavement markings.

Table 10-1: Off-Street Parking Space Dimensions						
Parking Angle (A)	Stall Type	Stall Width (B)	Stall Depth (C)	Aisle Width (D)	Module (E)	Vertical Clearance
0° (Parallel)	Compact	7'	7'	10'	24'	7' 6"
	Standard	8'	8'	10'	26'	
90° (Head-In)	Compact	7' 3"	15' 6"	19'	50'	7' 6"
	Standard	8' 3"	18'	22'	58'	
30°	Compact	7' 3"	14' 4"	10' 9"	39' 5"	7' 6"
	Standard	8' 3"	16' 4"	13'	45' 8"	
45°	Compact	7' 3"	16' 4"	10' 9"	43' 5"	7' 6"
	Standard	8' 3"	18' 9"	13'	50' 6"	
60°	Compact	7' 3"	17' 3"	12' 6"	47'	7' 6"
	Standard	8' 3"	19' 10"	15'	54' 8"	

Off-Street Parking Space **Dimensions**

- A** Parking Angle
- B** Stall Width
- C** Stall Depth
- D** Aisle Width
- E** Module

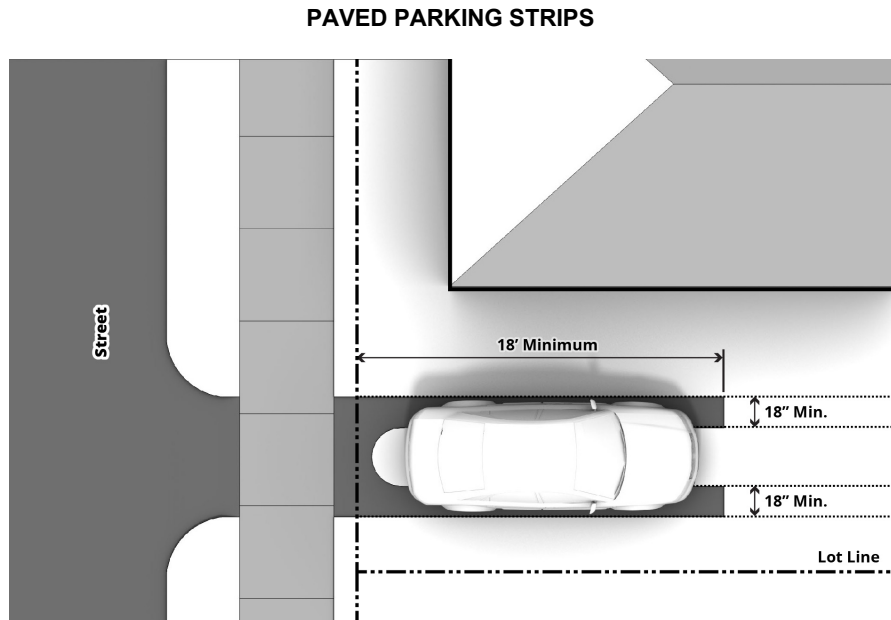


**B. Access**

1. All required off-street parking facilities must have vehicular access from a street, driveway, alley, or cross-access connection.
2. All required off-street parking facilities must have an internal pedestrian circulation system that allows for safe passage between parking areas and any public sidewalk in the adjacent right-of-way and the use it serves. This includes, but is not limited to, interconnected sidewalks, striped walkways, and separated walkways.
3. All parking facilities must be designed with vehicle egress and ingress points that least interfere with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic, rather than back out; however, this does not apply to single-family and two-family dwellings.
4. All curb cuts must comply with the regulations of the Village Code. Townhouse developments are prohibited from constructing individual curb cuts for each dwelling unit along a public street.
5. Dead end parking lots without a turnaround space are prohibited. A turnaround space must have a minimum depth and width of nine feet, and must be designated with signs stating “No Parking” and painted to indicate parking is prohibited.

**C. Surfacing**

1. All off-street parking lots and parking pads must be improved with a hard surfaced, all-weather dustless material. Pervious paving may also be used. Gravel is prohibited.
2. For single-family and two-family dwellings, a parking space may consist of two parallel paved parking strips, each of which is at least 18 inches in width and 18 feet long. Gravel and wood chips are prohibited as fill material between the parking strips.



**D. Striping**

1. Off-street parking lots of five or more spaces must delineate parking spaces with paint or other permanent materials, which must be maintained in clearly visible condition.
2. Accessible spaces must be identified by a sign and pavement markings indicating parking for the disabled only.



**E. Wheel Stops and Curbing**

Wheel stops or curbing is required when a parking space abuts a pedestrian walkway, landscape, structure, or fence. Breaks in curbing may be provided to allow for drainage into landscape areas that can absorb water. Such wheel stops or curbing must be constructed of permanent materials, such as concrete, masonry, or metal, a minimum height of four inches above ground level, and permanently affixed to the paved parking area.

**F. Lighting**

Parking lot and structure lighting must be in accordance with Section 9.2.

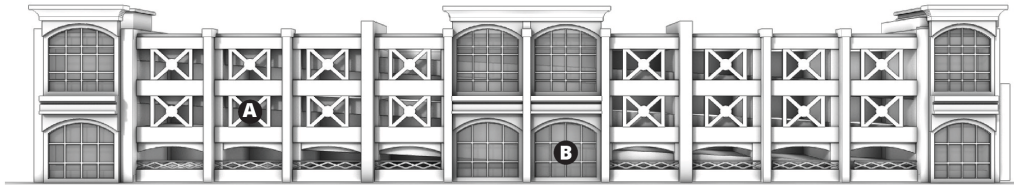
**G. Landscape and Screening**

All parking lots and structures must be landscaped in accordance with Article 11.

**H. Parking Structure**

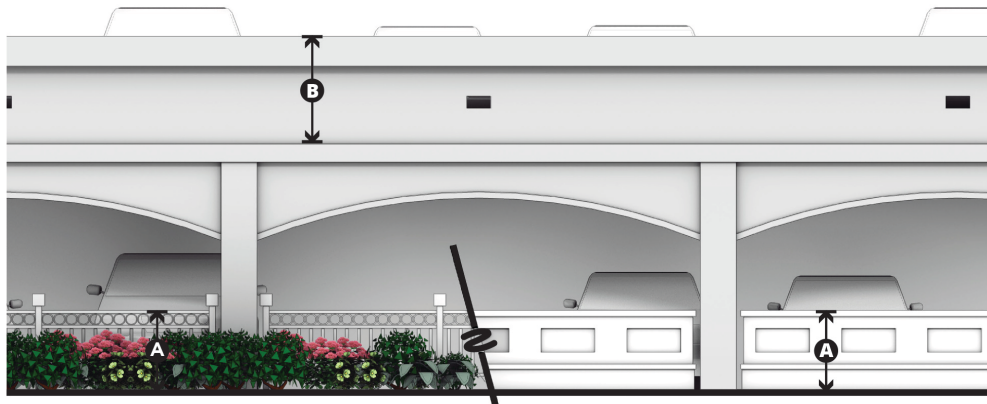
1. On facades that front on public streets, façade design and screening must mask the interior ramps.
2. Parking structures must be designed to minimize blank facades through architectural detail and landscape.
3. On portions of the ground floor façade where parking spaces are visible, a decorative fence and landscape or a kneewall is required to screen parking spaces. Such fence or kneewall must be a minimum of four feet in height.
4. For parking structures with rooftop open-air parking, a five foot parapet wall is required for screening.

**PARKING STRUCTURE FACADE**



**A** On façades that front on public streets, façade design and screening must mask the interior ramps and create the illusion of horizontality

**B** Parking structures must be designed to minimize blank façades through architectural detail and landscape

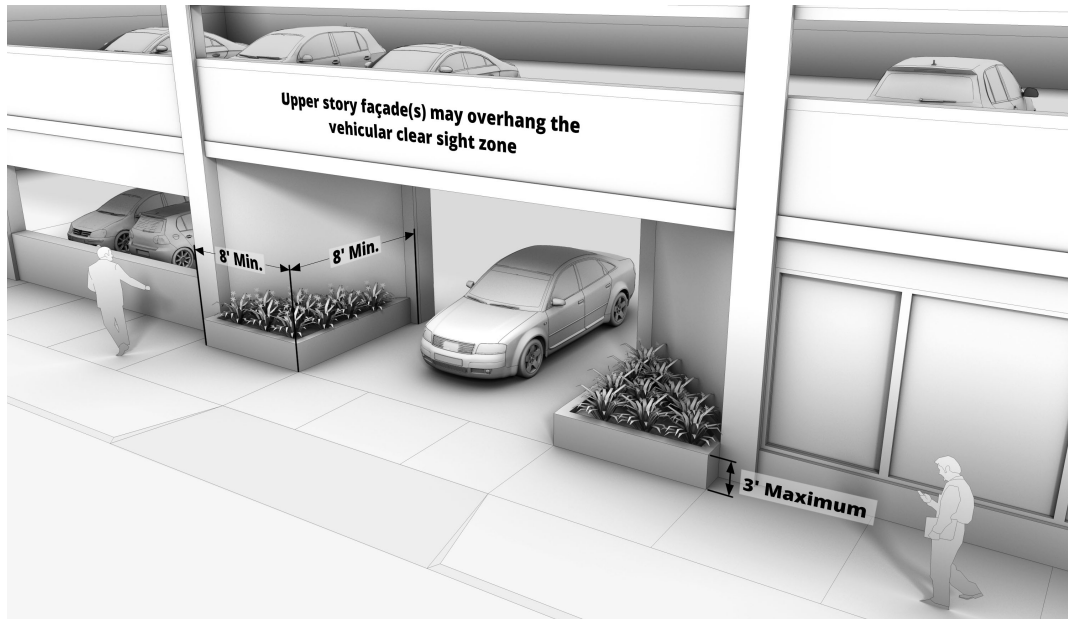


**A** On portions of the ground floor façade where parking spaces are visible, a decorative fence and landscape or a kneewall is required to screen parking spaces. Such fence or kneewall must be a minimum of four feet in height

**B** For parking structures with rooftop open-air parking, a five foot parapet wall is required for screening

5. A vehicular clear sight zone must be included at vehicular exit areas as follows:
  - a. The façade of vehicular exit areas must be set back from any pedestrian walkway along that façade a minimum of eight feet for the portion of the façade that includes the vehicle exit area and eight feet on each side of the exit opening.
  - b. A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane.
  - c. In the sight triangle (bound by the parking structure wall, pedestrian walkway and vehicular exit lane), groundcover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.
  - d. The upper story façade(s) of the parking structure may overhang the vehicular clear sight zone.

**VEHICULAR CLEAR SIGHT ZONE**



**I. Electric Vehicle Charging Station**

1. Commercial electric vehicle charging stations are permitted as an accessory use within any parking lot, parking structure in all districts.
2. Electric charging station equipment may not block the public right-of-way.
3. Each public charging station space must be posted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations must be included if time limits of tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.
4. Charging station equipment must be maintained in good condition and all equipment must be functional. Charging stations no longer in use must be immediately removed.

**10.4 REQUIRED OFF-STREET VEHICLE AND BICYCLE PARKING SPACES**

**A.** The minimum number of off-street parking spaces to be provided for the designated uses shall be as follows in Table 10-2: Off-Street Parking Requirements. Table 10-2 lists parking requirements for the uses listed within the districts. In some cases, uses which are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or special uses within any district. Certain uses listed within the districts do not have parking requirements. These types of uses are not listed within Table 10-2.

**B.** With the exception of single-family, two-family, and townhouse dwellings, parking spaces for disabled persons must be provided. The number of accessible parking spaces must be included in the total number of required parking spaces and in accordance with the applicable requirements of the Illinois Accessibility Code, as amended from time to time, and any additional governing codes and applicable laws.

**C.** The total number of required parking spaces is calculated by the principal use of the lot. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use, unless a shared parking arrangement is approved or such use is a multi-tenant retail center, which has a separate requirement. The following standards for computation apply:

1. Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street parking space or access aisle, or portion thereof. Conversely, the area allocated to any off-street parking space may not be used to satisfy the replacement for any off-street loading space or portion thereof.
2. When calculating the number of required off-street spaces results in a requirement of a fractional space, said fraction is rounded up.
3. In places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each 24 inches of such seating facility is counted as one seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every five square feet in the prayer hall if prayer mat spaces are not marked.

**D.** Certain uses listed within Table 10-2 are required to provide bicycle parking spaces. Bicycle parking spaces are required only for new construction as of the effective date of this Ordinance.

1. Of those uses required to provide bicycle spaces, some are also required to provide long-term spaces, where bicycles will be left for longer periods of time and require a safe and weatherproof storage area. The required number of long-term spaces is shown as a percentage of the required total bicycle spaces. All other required bicycle spaces must be designed as short-term spaces, which are areas where bicycles will be left for short stops, requiring a high degree of convenience.
2. In all cases where bicycle parking is required, a minimum of two bicycle spaces must be provided. After the first 25 required bicycle parking spaces are provided, additional bicycle parking spaces are required at a 50% reduction.
3. Where bicycle parking space requirements indicate “Over 10,000sf GFA” or other number threshold, this means that bicycle spaces are required only for structures over a certain gross floor area. In these cases, bicycle parking space requirements are calculated on the basis of the entire gross floor area.

**E.** Parking for multi-tenant retail centers is calculated as one space required per 500 square feet of gross floor area, rather than by the individual uses. A multi-tenant retail center is defined as a group of three or more commercial establishments, primarily retail, but also including service, recreation, office, or medical, that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers and strip retail centers. In addition, multi-tenant retail centers over 20,000 square feet in gross floor area require one bicycle space per 2,500 square feet of gross floor area.

**PLAN COMMISSION RECOMMENDED DRAFT**

**TABLE 10-2: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS**

USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED TOTAL BICYCLE SPACES	% OF REQUIRED BICYCLE SPACES FOR LONG-TERM SPACES
Animal Care Facility	1 per 500sf GFA		
Antique Store	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Art Gallery	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	
Art and Fitness Studio	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	
Auction House	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Bed and Breakfast	2 + 1 per guestroom		
Body Modification Establishment	1 per 500sf GFA		
Brew Pub	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	
Broadcasting Facility	1 per 1,000sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Business Service Center	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Car Wash	Non-Automated: 2 per bay Automated: 1 per bay		
Community Center	1 per 500sf GFA	1 per 2,500sf GFA	
Community Residence	1 per 2 rooms	1 per 4 rooms	
Consignment Shop	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Contractor Shop	1 per 500sf GFA		
Craft Brew Lounge	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	
Cultural Facility	1 per 500sf GFA	1 per 2,500sf GFA	
Day Care Center	1 per 1,000sf GFA		
Design Studio with Retail	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Dwelling – Above the Ground Floor	1 per du	1 per 4 du	80%
Dwelling – Multi-Family	1 per du	1 per 4 du	80%
Dwelling – Single-Family (Detached)	2 per du		
Dwelling – Townhouse	2 per du		
Dwelling – Two-Family	2 per du		
Educational Facility – Primary or Secondary	1 per classroom	1 per 5 classrooms	
Educational Facility – University	1 per 3 students at maximum enrollment	1 per 10 students at maximum enrollment	30%
Educational Facility – Vocational	1 per 500sf GFA	1 per 2,500sf GFA	
Financial Institution	1 per 500sf GFA	1 per 5,000sf GFA	
Funeral Home	1 per 200sf GFA of public space		
Gas Station	2 per pump island + 1 per 500sf GFA of structure + 5 stacking spaces per car wash bay		
Government Office	1 per 500sf GFA	1 per 2,500sf GFA	30%
Greenhouse/Nursery	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor space		
Heavy Retail and Rental	1 per 500sf GFA of indoor space +		

**PLAN COMMISSION RECOMMENDED DRAFT**

**TABLE 10-2: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS**

USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED TOTAL BICYCLE SPACES	% OF REQUIRED BICYCLE SPACES FOR LONG-TERM SPACES
	1 per 1,000sf of outdoor display space		
Hospital	1 per 2.5 beds	1 per 10 beds	30%
Hotel/Motel	1.5 per room		
Industrial – Light	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Industrial Design	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	
Live Performance Venue	1 per 500sf GFA		
Massage Service Establishment	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Medical Marijuana Dispensary	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	
Medical/Dental Clinic	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	
Micro-Brewery	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA	
Micro-Distillery	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA	
Micro-Winery	1 per 500sf GFA	Over 5,000sf GFA: 1 per 2,500sf GFA	
Office	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	30%
Personal Service Establishment	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Place of Worship	1 per 10 seats	1 per 25 seats	
Public Safety Facility	1 per 500sf GFA		
Public Works Facility	1 per 1,000sf GFA		
Reception/Banquet Facility	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Recreation, Indoor	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Recreation, Outdoor	1 per 1,000sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Research and Development (R&D)	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Residential Care Facility	1 per 5 beds		
Restaurant	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	
Retail Goods Establishment	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Secondhand Goods Dealer	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Self-Service Storage Facility	1 per 25 storage units		
Social Lodge/Meeting Hall	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	
Specialty Food Service	1 per 500sf GFA	Over 5,000sf GFA: 1 per 1,500sf GFA	
Storage Yard (Outdoor)	1 per 2,000sf of lot area		
Vehicle Dealership	1 per 500sf of indoor sales and display area + 4 per service bay		
Vehicle Operation Facility	1 per 1,000sf of lot area		

**TABLE 10-2: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS**

USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED TOTAL BICYCLE SPACES	% OF REQUIRED BICYCLE SPACES FOR LONG-TERM SPACES
Vehicle Rental	1 per 500sf GFA of indoor area (excluding indoor storage)		
Vehicle Repair/Service – Major or Minor	4 per service bay		
Warehouse & Distribution	1 per 500sf of office area + 1 per 20,000sf GFA of warehouse		
Wholesale Establishment	1 per 500sf of office area + 1 per 20,000sf GFA of warehouse		

**10.5 PARKING FLEXIBILITIES, EXEMPTIONS, AND REDUCTIONS**

**A. Applicability**

When a use is exempt from vehicle parking requirements by this Article, bicycle parking is also exempt. If a use that is exempt from vehicle parking voluntarily provides parking, bicycle parking, as required by this Article, is required.

**B. Exemptions and Reductions from Parking Requirements**

1. Non-residential uses of 2,500 square feet or less of gross floor area in the commercial districts are exempt from all off-street vehicle parking requirements. Non-residential uses of 2,500 square feet of gross floor area or less located within a multi-tenant retail center are not eligible for this exemption and must provide the required parking.
2. In the DT-1 District, floor area equal to twice the area of the lot is subtracted from the gross floor area of a building and such reduced gross floor area is used to determine the number of off-street parking spaces required.
3. Non-residential development located within one-half mile of a transit station (trains only) may reduce parking requirements by 25% of the total required and townhouse, multi-family, and the residential component of mixed-use development within one-half mile of a transit station (trains only) may reduce parking requirements to 1 space per dwelling unit.
4. In the commercial districts, on-street parking spaces located along the front or side lot line may be counted toward required off-street parking spaces for commercial uses. New on-street parking spaces may also be created to count toward required off-street parking but must be located along the corner side or front lot line, and must be accessible 24 hours a day to the public.
  - a. Where on-street parking spaces are unmarked, the number of parking spaces is calculated by dividing the length of the on-street parking area located parallel to property line of the property under consideration divided by 21, where a fraction of less than one-half is disregarded, and a fraction of one-half or more is counted as one space.
  - b. Where on-street parking spaces are marked, each marked space counts as one required parking space, including any space where at least 80% of the width is located along the lot line of the property under consideration.
5. The Zoning Administrator, after consultation with the Village Engineer and the Director of Parking and Mobility Standards may authorize up to a 25% reduction in the number of required off-street parking spaces under one or more of the following circumstances:
  - a. The development or use institutes and commits to maintain a transportation management plan in accordance with a study that clearly indicates the types of transportation management activities and measures proposed.
  - b. An employer institutes off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period.



- c. An employer provides cash or in-kind financial incentives for employees commuting by carpool, car sharing, vanpool, and transit.

**C. In-Lieu Parking Contribution**

1. At the discretion of the Village, a one time fee may be paid in lieu of providing a portion of the off-street parking required by this Ordinance in accordance with parking and fee schedules set by resolution, and in accordance with the standards of this section.
2. The fee to be charged for each off-street parking space required, but not provided by the applicant, will be a one-time fee set forth by resolution. The fee will be commensurate with the cost of providing off-street parking and used exclusively for such purpose.

**D. Shared Parking Permission**

Within the commercial districts, off-street parking spaces for separate uses may be provided collectively at the applicant’s option at a reduced amount of the total number of spaces provided it meets the calculation of Table 10-3: Shared Parking Calculation.

1. The required number of spaces for each use is calculated according Table 10-2.
2. The required number of spaces for each use is then applied to the percentages for each timeframe, according to the appropriate land use category, in Table 10-3 to determine the number of required spaces. This is done for each timeframe category.
3. The numbers are summed for all uses within each timeframe and the highest sum total in a timeframe is the required number of spaces.

<b>Table 10-3: Shared Parking Calculation</b>						
<b>Land Use Category</b>	<b>Weekday</b>			<b>Weekend</b>		
	<b>Mid-7am</b>	<b>7am-6pm</b>	<b>6pm-Mid</b>	<b>Mid-7am</b>	<b>7am-6pm</b>	<b>6pm-Mid</b>
Residential	100%	100%	100%	100%	100%	75%
Commercial	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel/Motel	100%	50%	90%	100%	65%	80%
Indoor/Outdoor Recreation	0%	70%	100%	5%	70%	100%
Office /Industrial	5%	100%	5%	0%	40%	10%

**SAMPLE CALCULATION**

*Example: multi-use office development with the following uses within the development; based on current parking requirements, the number of required spaces is:*

<b>Use &amp; Square Footage</b>	<b>Parking Requirement</b>	<b>Number of Spaces Needed</b>
Retail: 15,000sf GFA	1 per 500sf GFA	30 spaces
Restaurants: 10,000sf GFA	1 per 500sf GFA	20 spaces
Hotel/Motel: 60 rooms	1.5 per room	90 spaces
Office: 40,000sf GFA	1 per 500sf GFA	80 spaces
<b>TOTAL SPACES REQUIRED</b>		<b>220 spaces</b>

Using the shared parking calculation, these numbers are plugged into the table and using the percentages allotted to each land use for each time of day, are calculated as total spaces required per timeframe.

Land Use Category	Weekday			Weekend		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
Residential	-	-	-	-	-	-
Commercial	0	20	16	0	20	12
Restaurant	15	21	30	13.5	21	30
Hotel/Motel	90	45	81	90	58.5	72
Indoor/Outdoor Recreation	-	-	-	-	-	-
Office/Industrial	4	80	4	0	32	8
<b>Totals</b>	<b>109</b>	<b>166</b>	<b>131</b>	<b>103.5</b>	<b>131.5</b>	<b>122</b>

With a straight parking calculation, 220 spaces are required. However, the shared parking provision allows this example multi-use office development to be constructed by-right with 166 spaces (the highest number of spaces within the various timeframes - the 7am to 6pm weekday timeframe). This is because these timeframe calculations take into account the times of day the various uses utilize the most parking.

**10.6 BICYCLE PARKING STANDARDS**

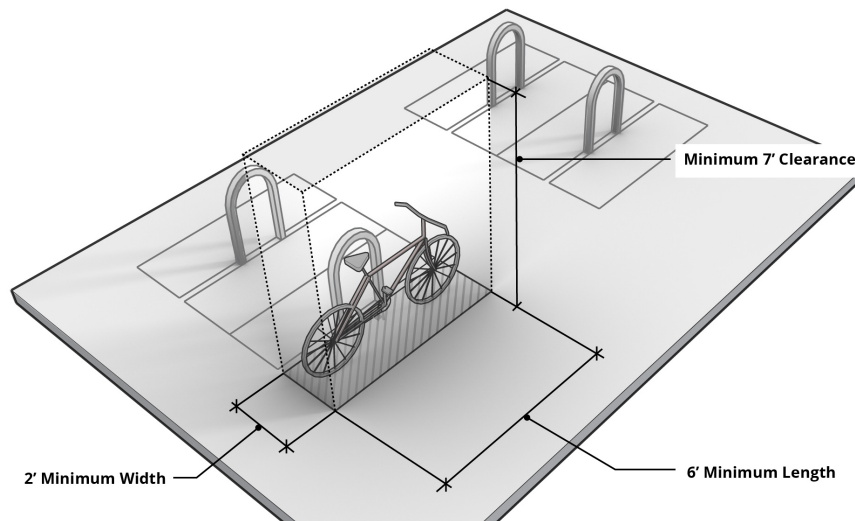
**A. Required Bicycle Spaces**

Where off-street parking facilities are provided, bicycle parking spaces must be provided as indicated in Table 10-2.

**B. Design**

1. Required bicycle spaces must provide each bike space within a row of bicycle parking a minimum of two feet in width by six feet in length, with a minimum vertical clearance of seven feet. Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least five feet wide between each set of bicycle parking to allow room for bicycle maneuvering.

**BICYCLE SPACE DESIGN**



2. The area devoted to bicycle parking must be surfaced as required for vehicle parking areas.

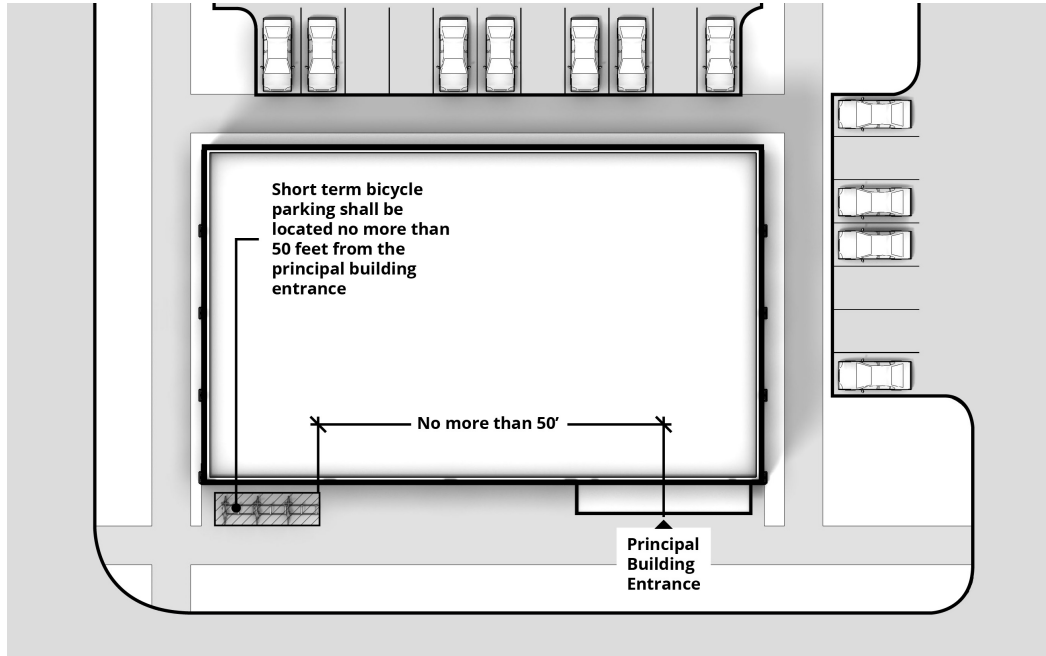


3. All long-term bicycle parking spaces must be located indoors or fully covered, such as by the use of an overhang or covered walkway, weatherproof outdoor bicycle lockers, or an indoor storage area. Where bicycle parking is not located within a building or locker, the cover design must be of permanent construction, designed to protect bicycles from rainfall, snow, and inclement weather, and with a minimum vertical clearance of seven feet.
4. Bicycle parking racks must permit the bicycle frame and one wheel to be locked to the rack and support the bicycle in a stable position. Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or a structure to prevent the racks and lockers from being removed from the location.
5. If required bicycle parking facilities are not visible from the street or principal building entrance, signs must be posted indicating their location.

**C. Location**

1. The bicycle parking area must be convenient to building entrances and street access, but may not interfere with normal pedestrian and vehicle traffic. Bicyclists must not be required to travel over stairs to access parking.
2. When required to provide bicycle spaces, certain uses are also required to provide long-term spaces, where bicycles will be left for longer periods of time and require a safe and weatherproof storage area. The required number of long-term spaces is shown as a percentage of the required total bicycle spaces in Table 10-2. All other required bicycle spaces must be designed as short-term spaces, which are areas where bicycles will be left for short stops, requiring a high degree of convenience. Nothing in this Ordinance prevents the provision of additional bicycle spaces in excess of that required; long-term spaces are required only in the amount calculated by the minimum number of spaces in Table 10-2, not of the total number of short-term spaces, which may exceed that required by the table.
3. Short-term bicycle parking spaces must be located no more than 50 feet from the principal building entrance and at the same grade as the sidewalk or an accessible route. The property owner may make arrangement with the Village Engineer to place required bicycle parking spaces in the public right-of-way so long as a minimum of five feet of clearance is maintained in the pedestrian way and the bicycle spaces are located within 50 feet of the lot. Required bicycle parking spaces may be located in the public right-of-way, with approval from the Village Engineer, if one or more of the following conditions are met:
  - a. The use does not provide vehicle parking on-site.
  - b. The addition of bicycle parking on the site would reduce the number of parking spaces below that required by this Code.
  - c. Bicycle parking spaces in the right-of-way can be shared by uses located on the same blockface. In such cases, the number of bicycle spaces required is cumulative of that required by all uses sharing such spaces.
4. Long-term bicycle parking spaces must be located indoors or fully covered, such as by the use of an overhang or covered walkway, weatherproof outdoor bicycle lockers, or an indoor storage area, that is easily accessible from the public-right-of-way and building entrances to residents and/or employees.
5. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible, secure areas. Spaces within dwelling units or on balconies do not count toward satisfying bicycle parking requirements.

**SHORT-TERM BICYCLE PARKING SPACES**



**10.7 REQUIRED OFF-STREET LOADING SPACES**

**A. Design**

1. All off-street loading spaces must be located on the same lot as the use served. No off-street loading space must be located in a front or corner side yard or in front of a front building line.
2. All required off-street loading spaces shall be at least 10 feet in width and at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of at least 14 feet.
3. All off-street loading spaces must be improved with a hard surfaced, all-weather dustless material.
4. All off-street loading spaces must meet the lighting requirements of Section 10.2.
5. Loading berths must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height.

**B. Required Number of Off-Street Loading Spaces**

Off-street loading spaces must be provided in accordance with Table 10-4: Off-Street Loading Requirements. In the case of multi-tenant buildings or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one non-residential use tenant of a multi-tenant building is over 7,500 square feet, only one loading space is required; if all tenants are under 7,500 square feet, no loading is required).

**Table 10-4: Off-Street Loading Requirements**

Use	Required Loading Spaces
Multi-Family Dwelling over 7,500 of gross floor area	1 loading space
Non-Residential Use: 7,500 - 25,000sf of gross floor area	1 loading space
Non-Residential Use: Over 25,000sf of gross floor area	2 loading spaces
Non-Residential Use: Over 150,000sf of gross floor area	3 loading spaces

**10.8 COMMERCIAL AND RECREATIONAL VEHICLE STORAGE IN RESIDENTIAL DISTRICTS**

Parking spaces in residential districts, whether enclosed or unenclosed, may be used only for the parking of automobiles, trucks, and commercial vehicles with an Illinois license plate classification "A" or "B" or its out-of-state equivalent. Recreational vehicles or boats may be parked in a parking space provided that:

- A.** Not more than one recreational vehicle or boat is parked in the open. Other recreational vehicles or boats may be parked in an enclosed area or private garage on the lot.
- B.** The recreational vehicle or boat is in operable condition. If there is displayed on the unit a current state license it is presumed to be in operable condition.
- C.** Screening of any recreational vehicle or boat parked in the open is allowed but not required.
- D.** No one may live in a recreational vehicle, even temporarily, while parked on the lot.
- E.** No recreational vehicle or boat or accessory thereof may be stored in a hazardous manner.
- F.** For a period not to exceed 24 hours prior and subsequent to a trip, a recreational vehicle or boat may be parked in a required side yard for the purpose of loading and unloading.



## ARTICLE 11. LANDSCAPE

- 11.1 LANDSCAPE PLAN
- 11.2 ENFORCEMENT OF LANDSCAPE PLAN
- 11.3 SELECTION, INSTALLATION AND MAINTENANCE
- 11.4 LANDSCAPE DESIGN STANDARDS
- 11.5 REQUIRED SITE LANDSCAPE
- 11.6 REQUIRED PARKING LOT LANDSCAPE ABUTTING A STREET
- 11.7 REQUIRED PARKING LOT INTERIOR LANDSCAPE
- 11.8 BUFFER YARD REQUIREMENTS
- 11.9 PARKWAY LANDSCAPING
- 11.10 TREE CONSERVATION

### 11.1 LANDSCAPE PLAN

#### A. Landscape Plan Required

A landscape plan is required for any development of a townhouse development, multi-family dwelling, non-residential development, mixed-use development, planned unit development, or parking lot of 15 or more spaces, and must be approved by the Zoning Administrator prior to the issuance of a building permit. A landscape plan for a planned unit development and or parking lot of 15 or more spaces must be prepared by a licensed architect or landscape architect.

#### B. Content of Landscape Plan

The following is required within the landscape plan, unless waived by the Zoning Administrator:

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, and drainage facilities.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and removed.
3. The location, quantity, size, and name, both botanical and common, of all proposed plant material.
4. The existing and proposed grading of the site indicating contours at one foot intervals. Proposed berming must also be indicated using one foot contour intervals.
5. Elevations of all proposed fences, stairs, and retaining walls.
6. Any other details as determined necessary by the Zoning Administrator.

#### C. Changes to Approved Landscape Plans

Changes to the landscape plan that do not result in a reduction in the net amount of required plant material may be approved by the Zoning Administrator.

### 11.2 ENFORCEMENT OF LANDSCAPE PLAN

A. No final certificate of occupancy will be issued until all the requirements of this Article and the landscape plan have been fulfilled. Failure to implement the landscape plan, or to maintain the lot in conformance with the landscape plan, may result in the application of fines and penalties, as established in this Ordinance. All landscape is subject to periodic inspection.

B. If weather prohibits the installation of landscape at the time a final certificate of occupancy is applied for, a temporary certificate of occupancy may be issued for a six month period with provision of a security bond or security for 125% of the estimated amount, including installation.

### 11.3 SELECTION, INSTALLATION, AND MAINTENANCE

#### A. Selection

All plants must be A-Grade or Number-One Grade and free of defects, of normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1, latest available edition, American Association of Nurserymen (AAN). Plants must have full, even, well-developed branching and a dense, fibrous, and vigorous root system. All plant materials must be capable to withstand the seasonal temperature variations of northeastern Illinois, as well as the individual site microclimate. The use of species native or naturalized to northeastern Illinois is encouraged.

#### B. Installation

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

#### C. Maintenance

1. Trees and vegetation, irrigation systems, fences, walls, and other landscape elements are considered elements of a development in the same manner as parking, building materials, and other site details. The applicant, developer, landowner, or successors in interest are jointly and severally responsible for the regular maintenance of all landscaping elements in good condition.
2. All landscaping must be maintained free from disease, pests, weeds, and litter. All landscape structures such as fences and walls must be repaired and replaced periodically to maintain them in a structurally sound and aesthetically pleasing condition. A letter of credit, escrow, performance bond, or other surety approved by the Village for proper installation of the landscaping and equal in value to 125% of the value of the landscaping must remain in place for one year after installation to insure proper maintenance of the landscaping in accordance with this section.
3. Any landscape element that dies, or is otherwise removed or seriously damaged, must be removed within 30 days of the beginning of the growing season and replaced based on the requirements of this section. If the owner fails to fulfill his or her obligation in this regard during the first full year after installation of the landscaping, the Village may either do the work and seek reimbursement from the owner's surety or demand performance by the owner's surety.

### 11.4 LANDSCAPE DESIGN STANDARDS

#### A. Minimum Planting Sizes

1. Shade trees must have a minimum trunk size of three inches in caliper at planting.
2. Evergreens trees must have a minimum height of six feet at planting.
3. Single stem ornamental trees must have a minimum trunk size of two inches in caliper at planting. Multiple stem ornamental trees must have a minimum height of seven feet at planting.
4. Shrubs must have minimum height of 30 inches.

#### B. Energy Conservation

Plant material placement should be designed to reduce the energy consumption needs of the development.

1. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.
2. Evergreens and other plant materials should be concentrated on the north and east sides of buildings to dissipate the effect of winter winds.

**11.5 REQUIRED SITE LANDSCAPE**

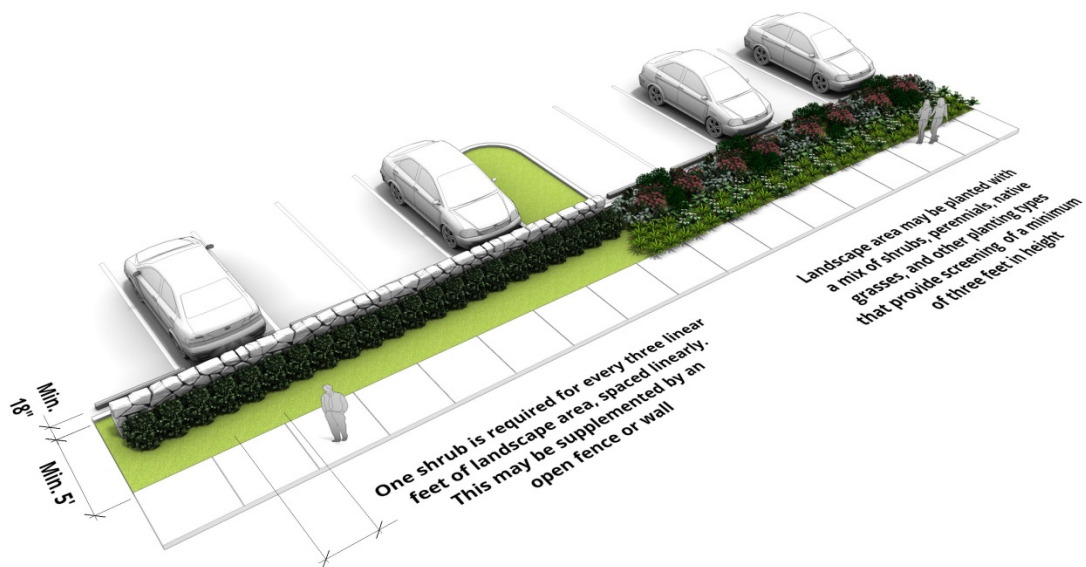
- A. All portions of a lot not covered by structures or paved surfaces must be landscaped with trees, shrubbery, live groundcover, and other plantings. Rain gardens, bioswales, and similar stormwater management landscape elements also meet this requirement.
- B. All existing plantings that are maintained on a site may be counted toward any required on-site landscape.
- C. Where a structure is setback seven feet or more from a front or corner side lot line, the setback areas must be planted with a minimum of one shade or two ornamental trees and ten shrubs for every 40 linear feet of setback area. This does not apply to single-family, two-family, and townhouse dwellings.

**11.6 REQUIRED PARKING LOT LANDSCAPE ABUTTING A STREET**

Landscape is required along all edges of a parking lot that abut a street, whether the parking lot is a principal use of the site or an accessory parking lot to a principal use. The landscape treatment must run the full length of that edge, except for required access points. The landscaped area must be improved as follows:

- A. The landscape area must be a minimum of five feet in width.
- B. There must be a minimum linear distance of 18 inches between any wheels stops or curbs to accommodate vehicle bumper overhang. This area is not included in the minimum landscape area of item A above calculation.
- C. One shrub, which must reach a minimum of three feet in height at maturity, must be planted for every three linear feet of landscape area, spaced linearly. This may be supplemented by an open fence or wall. Any one or combination of the following alternatives to shrub plantings are also permitted:
  - 1. The landscape area may be planted with a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height.
  - 2. Stormwater management techniques, such as rain gardens and bioswales, that provide screening of a minimum of three feet in height.
- D. Landscape areas outside of shrub masses must be planted in live groundcover, perennials, grass, or trees.
- E. Fences or walls included in the perimeter landscape treatment must be constructed of high quality, durable materials such as masonry, stone, brick, iron, or any combination thereof.

**PARKING LOT LANDSCAPE ABUTTING A STREET**



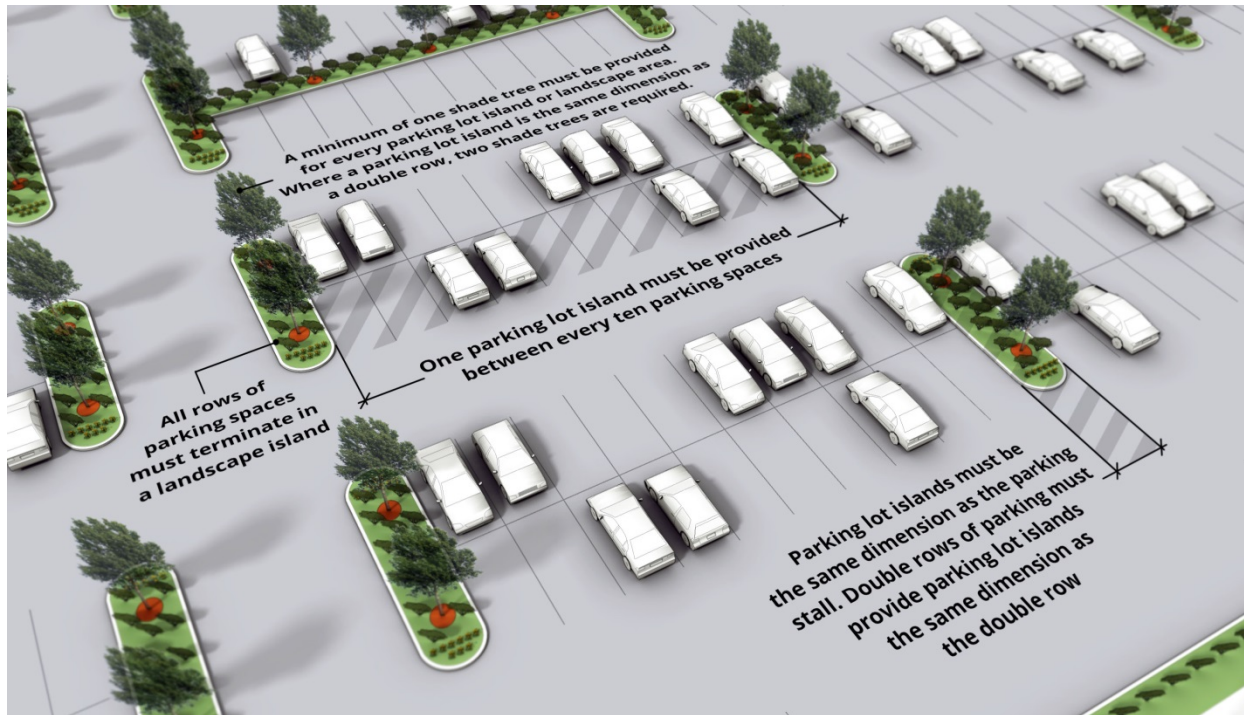


**11.7 REQUIRED PARKING LOT INTERIOR LANDSCAPE**

Any parking lot of 15 spaces or more, whether a principal use of the site or an accessory parking lot to a principal use, interior parking lot landscape is required.

- A.** One parking lot island must be provided between every ten parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every ten spaces.
- B.** The minimum total landscape area of a parking lot, including parking lot islands, must be 10% of the total parking lot area. Parking lot landscape area along a street lot line, as required in Section 11.6, is excluded from the calculation of total parking lot area and total parking lot landscape.
- C.** All rows of parking spaces must terminate in a landscape area.
- D.** Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
- E.** A minimum of one shade tree must be provided for every parking lot island or landscape area. Where a parking lot island is the same dimension as a double row of parking, two shade trees are required. The remaining area of a parking lot island must be planted in ornamental trees, live groundcover, shrubs, perennials, or grass.
- F.** The use of stormwater management elements, such as rain gardens and bioswales, is encouraged in landscape areas. When a parking lot island is designed for stormwater management, the tree requirement may be exempted as part of landscape plan approval when such trees are not typically part of such design.

**PARKING LOT INTERIOR LANDSCAPE**





**11.8 BUFFER YARD REQUIREMENTS**

Buffer yards are located within rear and interior side setbacks, and must be reserved for planting material and screening as required by this section. No parking spaces or accessory structures are permitted within the required buffer yard.

**A. Interior Side Setback Buffer Yards**

1. Interior side setback buffer yards are required in the following situations:
  - a. Where a multi-family dwelling abuts a single-family, two-family, or townhouse dwelling. The interior side setback must be increased to a minimum of seven feet if the district minimum is less than the buffer yard requirement.
  - b. Where a non-residential use is located within a residential district. This does not include parks/playgrounds. The interior side setback must be increased to a minimum of seven feet if the district minimum is less than the buffer yard requirement.
  - c. Where a non-residential district abuts a residential district. This does not include the OS District or parks/playgrounds. The interior side setback must be increased to a minimum of seven feet if the district minimum is less than the buffer yard requirement.
2. The minimum size and improvement of interior side setback buffer yards is as follows:
  - a. The buffer yard must be a minimum of seven feet in width.
  - b. A solid fence or wall a minimum of five feet and a maximum of six feet in height must be erected along 100% of the yard length.
  - c. One shrub, which must reach a minimum of three feet in height at maturity, must be planted for every three linear feet of landscape area, spaced linearly. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
  - d. The remainder of the buffer yard must be planted in live groundcover, perennials, grass, or trees.

**INTERIOR SIDE SETBACK BUFFER YARDS**



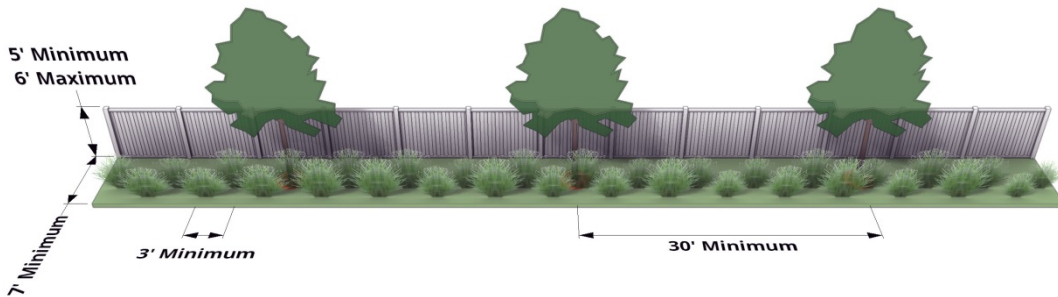
**B. Rear Setback Buffer Yards**

1. Rear setback buffer yards are required in the following situations:
  - a. Where a multi-family dwelling abuts a single-family, two-family, or townhouse dwelling.
  - b. Where a non-residential use is located within a residential district. This does not include parks/playgrounds.
  - c. Where a non-residential district abuts a residential district. This does not include the OS District or parks/playgrounds.

2. Lots with more than 90 feet of lot depth are required to provide a landscaped rear setback buffer yard. The minimum size and improvement of buffer yards is as follows:

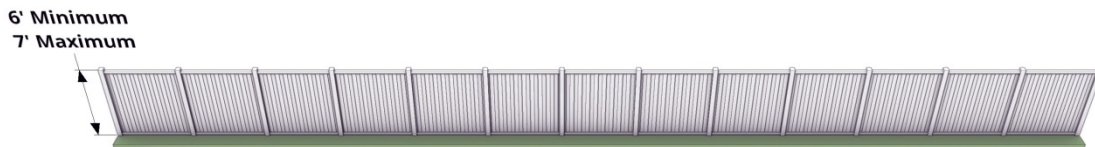
- a. A buffer yard must be a minimum of seven feet in width.
- b. One shade tree is required for every 30 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
- c. A solid fence or wall a minimum of five feet and a maximum of seven feet in height must be erected along 100% of the yard length.
- d. One shrub, which must reach a minimum of three feet in height at maturity, must be planted for every three linear feet of landscape area, spaced linearly. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
- e. The remainder of the buffer yard must be planted in live groundcover, perennials, grass, or trees.

**REAR SETBACK BUFFER YARDS: MORE THAN 90 FEET OF LOT DEPTH**



3. Lots with 90 feet or less of lot depth are required to provide a solid fence or wall a minimum of six feet and a maximum of seven feet in height, erected along 100% of the rear setback buffer yard length and located at the rear lot line. Plantings are encouraged to soften the effect of the fence or wall, but are not required.

**REAR SETBACK BUFFER YARDS: 90 FEET OR LESS OF LOT DEPTH**



**11.9 PARKWAY LANDSCAPING**

A. Where a parkway, defined as the planting strip between a public street and sidewalk, exists adjacent to a site or one will be created as part of the development plan, the parkway must be landscaped to match the existing tree spacing pattern on adjacent parkways in consultation with the Superintendent of Forestry.

B. The RR District has specific requirements for parkway landscaping (street trees), which supersedes this requirement.

**11.10 TREE CONSERVATION**

**A. Intent**

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

**B. Applicability**

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

**C. Protecting Trees on Public Property**

Trees located on public property, including public parkways, may not be cut, damaged, or removed without first obtaining permission from the Superintendent of Forestry, and must be protected during construction in accordance with the standards set forth in this section.

**D. Preservation of Significant Trees**

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

**E. Tree Survey or Plan Requirement**

All applicants for development subject to this section must submit a survey by an Illinois registered arborist depicting the species, size, location, and condition of any existing significant trees on the site, and a preservation and replacement plan to demonstrate compliance with these standards.

**F. Tree Replacement or Mitigation**

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

1. For every inch of tree caliper, measured at six inches above the ground, removed or damaged, the applicant must install a replacement tree or trees measuring two inches caliper on site.
2. If the replacement trees are provided off-site, for every inch of tree external diameter removed or damaged, the applicant must install three inches of replacement tree caliper.
3. If tree-replacement on or off-site is not practicable, the applicant may make a monetary contribution to the Village Tree Replacement Fund that is three times the value of the tree removed, as determined by the Superintendent of Forestry based on its caliper.

**G. Landscape Credit**

Any existing trees on a site that are in appropriate locations and of acceptable quality are credited towards fulfillment of any landscaping provisions of this Ordinance on a caliper inch per caliper inch basis.

**H. Construction Protection**

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

1. Within the drip line of any protected tree, there may be no cut or fill over a four inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
2. Prior to and during construction, temporary barriers must be erected around all protected with barriers a minimum of four feet in height, as approved by the Superintendent of Forestry, and no closer than six feet from the trunk or one-half of the drip line, whichever is greater. There may be no storage or movement of equipment, material, debris, or fill within the fenced, tree-protection zone.

## PLAN COMMISSION RECOMMENDED DRAFT

3. During construction, the applicant must prevent the cleaning of equipment or material or the storage and disposal of waste material, such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material, potentially harmful to the tree within the drip line of any protected tree. Nothing within this section is interpreted as an authorization to ignore or violate applicable federal or state hazardous waste laws.
4. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.

## ARTICLE 12. ORDINANCE ADMINISTRATORS

- 12.1 VILLAGE BOARD
- 12.2 PLAN COMMISSION
- 12.3 ZONING BOARD OF APPEALS
- 12.4 ZONING ADMINISTRATOR
- 12.5 COMMUNITY DESIGN COMMISSION
- 12.6 HISTORIC PRESERVATION COMMISSION

### 12.1 VILLAGE BOARD

The Village Board has the following specific powers pursuant to this Ordinance:

- A. To make final decisions on zoning amendment applications.
- B. To make final decisions on special use applications.
- C. To make final decisions on planned development applications.

### 12.2 PLAN COMMISSION

~~The Plan Commission has the following powers pursuant to this Ordinance:~~

- ~~A. To make recommendations to the Village Board on zoning amendment applications.~~
- ~~B. To make recommendations to the Village Board on planned development applications.~~
- ~~C. To hear and report to the Village Board on such other matters as may be referred to it by the Village Board.~~

#### A. Powers Related to Zoning Ordinance

The Plan Commission has the following powers pursuant to this Ordinance:

- 1. To make recommendations to the Village Board on zoning amendment applications;
- 2. To make recommendations to the Village Board on special use (planned development) applications; and
- 3. To hear and report to the Village Board on such other matters as may be referred to it by the Village Board.

#### B. Creation and Membership

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

#### C. Meetings and Rules

- 1. All meetings of the Plan Commission shall be held as regularly scheduled or at the call of the Chairperson.
- 2. Every rule, regulation and recommendation of the Commission shall be filed with the Secretary of the Plan Commission and shall be a public record.

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

3. The Commission may adopt its own rules of procedure not in conflict with this Zoning Ordinance or applicable Illinois statutes, and may select or appoint such officers to a committee, as it deems necessary.

**D. Plan Commission Staff**

The Zoning Administrator or his/her designee shall serve as Secretary to the Plan Commission and shall:

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

**12.3 ZONING BOARD OF APPEALS**

~~The Zoning Board of Appeals has the following powers pursuant to this Ordinance:~~

- ~~A. To make recommendations to the Village Board on special use applications.~~
- ~~B. To make final decisions on variation applications.~~
- ~~C. To make final decisions on zoning appeals.~~
- ~~D. To hear and report to the Village Board on such other matters as may be referred to it by the Village Board.~~

**A. Powers Related to Zoning Ordinance**

The Zoning Board of Appeals has the following powers pursuant to this Ordinance:

1. To make recommendations to the Village Board on special use applications;
2. To make final decisions on variation applications;
3. To make final decisions on zoning appeals; and
4. To hear and report to the Village Board on such other matters as may be referred to it by the Village Board.

**B. Creation and Membership**

1. The Zoning Board of Appeals is hereby authorized to be established. The Board, consisting of a Chairperson and six members, shall be appointed by the President of the Village with the consent of the Board of Trustees.
2. The Board shall elect from its members an Acting Chairperson to act whenever the Chairperson is absent.
3. The Chairperson and members of said Zoning Board of Appeals shall serve until the expiration of their current terms, or until their respective successors have been duly qualified and appointed, and each respective successor so appointed shall serve for a term of five years, or until their successor has been duly qualified and appointed.
4. Vacancies upon the Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such member.
5. The members of the Board shall serve without compensation.

**C. Meetings and Rules**

1. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Board may determine.

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

2. Every rule or regulation, every amendment or repeal thereof, and every decision of the Board shall be filed with the Secretary of the Zoning Board of Appeals and shall be a public record.

3. The Board shall adopt and publish its own rules of procedure not in conflict with this Zoning Ordinance or applicable Illinois statutes, and may select or appoint committees, as it deems necessary.

**D. Finality of Decisions of the Zoning Board of Appeals**

Decisions of the Zoning Board of Appeals, on appeal or upon application for a variation shall be final administrative determinations and shall be subject to review by a court in the manner provided by the applicable Illinois statutes.

**E. Appointment and Duties of the Secretary of the Zoning Board Of Appeals**

The Zoning Administrator or his/her designee shall serve as Secretary of the Board. The Secretary shall:

1. Cause a record to be made of the Board's proceedings and actions, showing the vote of each member upon each question;

2. Act as custodian of the records of the Board;

3. Receive forms for appeals and applications for variation from the public. Furnish to the public documentation of appeals and applications for variations that are approved by the Board; and

4. Perform such duties as may be assigned from time to time by the Board.

**12.4 ZONING ADMINISTRATOR**

The Village Planner, or his/her designee, is considered the Zoning Administrator. The Zoning Administrator may designate one or more Village staff persons to act as the Zoning Administrator, including the Zoning Officer; however, a zoning decision may only be rendered once. The Zoning Administrator has the following powers pursuant to this Ordinance:

- A. To review and make final decisions on administrative variation applications.
- B. To make final decisions on design review applications.
- C. To review and make final decisions on zoning interpretation applications.
- D. To review and make final decisions on certificate of zoning compliance applications.
- E. To review and make final decisions on temporary use permit applications.
- F. To receive and forward zoning applications as required by this Ordinance to the Plan Commission, Zoning Board of Appeals, Village Board, or Village official, as appropriate.
- G. To maintain permanent and current records as required by this Ordinance.
- H. To maintain and make available the Village's Official Zoning Ordinance and Zoning Map, and all permanent and current records required by this Ordinance.
- I. To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in case of any violation, order corrective action.

**12.5 COMMUNITY DESIGN COMMISSION**

The Community Design Commission also has the following powers pursuant to this Ordinance:

- A. To hear appeals of Zoning Administrator decisions on design review applications.
- B. When called upon, to testify or provide written recommendations in proceedings involving requests for a zoning map amendment, variation, planned development, or special use permit application.
- C. When called upon, to provide advice in the application of the development standards of this Ordinance.

For reference, the Community Design Commission also reviews and decides on variances to the Village of Oak Park Sign Ordinance.

#### **12.6 HISTORIC PRESERVATION COMMISSION**

The primary responsibility of the Historic Preservation Commission is to administer the Village of Oak Park's Historic Preservation Ordinance and Architectural Review Guidelines. The Historic Preservation Commission also has the following powers pursuant to this Ordinance:

- A.** To provide written recommendations in proceedings involving requests for a zoning map amendment, variation, planned development, or special use permit applications when such actions affect historic landmarks or historic districts.
- B.** When called upon, to provide advice in the application of the development standards of this Ordinance.



## ARTICLE 13. APPLICATION PROCEDURES

- 13.1 APPLICATION
- 13.2 NOTICE
- 13.3 PUBLIC HEARING

### 13.1 APPLICATION

#### A. Filing and Pre-Application Conference

1. All zoning applications must be filed with the Zoning Administrator. The application must be on forms provided by the Village and filed in such quantity as required by the instructions.
2. Prior to formal submittal of an application, the applicant may request a pre-application conference with the Zoning Administrator. The purpose of the pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application.

#### B. Completeness

1. The application must include all information, plans, and data as specified in the application requirements. Any required plans must be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
2. The Zoning Administrator will examine all applications within 15 days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Zoning Administrator will reject the application and provide the applicant with the reasons for the rejection. The Zoning Administrator will take no further steps to process the application until all deficiencies are remedied.
3. After an application is determined to be complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees. However, once the application is under consideration by the appropriate body, additional information or revisions requested during review do not constitute a substantive change to the application.

#### C. Fees

Each application must be accompanied by the required filing fee. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by any board, commission, or official of the Village, then fee requirements are waived.

#### D. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.

#### E. Consideration of Successive Applications

1. Within ~~one year~~ two years of the date of denial, a subsequent application for the same zoning approval will not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial.
2. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration.
3. The Zoning Administrator will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, he/she will summarily, and without hearing, deny the request.

**13.2 NOTICE**

**A. Required Notice**

Table 13-1: Required Notice indicates the types of notice required for public hearings on the zoning applications. Certain applications may contain additional notice requirements within their specific provisions.

Table 13-1: Required Notice			
Zoning Application	Notice Type		
	Published	Mailed	Posted
Zoning Text Amendment	•		
Zoning Map Amendment	•	•	•
Special Use	•	•	•
Planned Development	•	•	•
Variation	•		•
Administrative Variation		•	
Zoning Appeals	•		

**B. Published Notice**

When published notice is required, the Zoning Administrator will publish notice in a newspaper of general circulation within the Village. The notice must include the date, time, and place of the hearing/decision, description of the application, the name of the applicant, and the address of the subject property. Notice must be published no less than 15 days and no more than 30 days in advance of the scheduled hearing date. For the purposes of this section, for notice only, day means calendar day.

**C. Mailed Notice**

1. Mailed notice is required to be mailed as follows:
  - a. For all applications requiring mailed notice except for administrative variation, notice must be mailed no less than 15 and no more than 30 days in advance of the scheduled hearing date to all property owners within 300 feet of the lot line of the subject property. For the purposes of this section, for notice only, day means calendar day.
  - b. For administrative variations, written notice must be mailed no less than 15 and no more than 30 days in advance of the date of when the Zoning Administrator will make a decision to property owners abutting the subject property as well as the property owner(s) located directly across the street and alley, when applicable.
  - c. When a zoning map amendment is proposed by the Village, notification must also be mailed to the owner of the subject property.
2. The notice must include the date, time, and place of the hearing/decision, description of the application, the name of the applicant, and the address of the subject property.
3. The applicant must submit a search by a reputable title company to the Village, or other evidence satisfactory to the Village, indicating the identity of all taxpayers required to receive notice, and an affidavit certifying that the applicant has complied with this mailed notice requirement.
4. Nothing in this section is intended to prevent the applicant from giving additional notice as he/she may deem appropriate.
5. If a noticed property owner objects to the administrative variation prior to the date indicated on the notice, the application is then considered a variation and subject to the variation notice requirements.

**D. Posted Notice**

1. When posted notice is required, it must be provided by the applicant and/or property owner and must be located on the subject property.
2. The sign must be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. Properties with more than one street frontage are required to post one sign visible on each street frontage.
3. The required posting period must be no less than 15 days and no more than 30 days in advance of the scheduled hearing date. For the purposes of this section, for notice only, day means calendar day.
4. The sign must include the date, time, and place of the hearing/decision, purpose of such hearing/decision, and the appropriate Village personnel to contact for additional information.
5. The sign must be approximately 48 inches by 48 inches, containing one-inch minimum typeface. The sign must be weatherproof.
6. Failure to post a sign and/or the removal or knocking down of the sign after posting before a public hearing does not invalidate, impair, or otherwise affect any subsequent approval following the public hearing. The sign must, whenever possible, remain posted until the hearing is completed.
7. The applicant is responsible for removal of a sign within ten days of the issuance of a decision.

**13.3 PUBLIC HEARING**

**A. Pre-Hearing Examination**

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

**B. Conduct of the Public Hearing**

The public hearing must be conducted in accordance with all applicable requirements of Illinois law and the rules and regulations of the body conducting the hearing.

**C. Continuances**

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notice must be given that would have been required for the initial public hearing.



## ARTICLE 14. ZONING APPROVALS

- 14.1 ZONING TEXT AND MAP AMENDMENT
- 14.2 SPECIAL USE
- 14.3 VARIATION
- 14.4 ADMINISTRATIVE VARIATION
- 14.5 PLANNED DEVELOPMENT
- 14.6 ZONING INTERPRETATION
- 14.7 CERTIFICATE OF ZONING COMPLIANCE
- 14.8 ZONING APPEALS
- 14.9 TEMPORARY USE PERMIT

### 14.1 ZONING TEXT AND MAP AMENDMENT

#### A. Purpose

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

#### B. Initiation

The Village Board, the Plan Commission, Zoning Board of Appeals, Zoning Administrator, or a property owner in the Village, or person expressly authorized in writing by the property owner, may propose a zoning text or map amendment.

#### C. Authority

The Village Board, after receiving a recommendation from the Plan Commission, will take formal action on requests for zoning text or map amendments.

#### D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Plan Commission. Amendments initiated by a Village board, commission, or official also require an application, but are exempt from fees.

##### 1. Action by the Plan Commission

- a. After receipt of a complete application, the Plan Commission will consider the proposed zoning amendment at a public hearing. If, in the Plan Commission's judgment, the application does not contain sufficient information to enable proper review and consideration, the Plan Commission may request additional information from the applicant and the public hearing may be continued.
- b. Within 60 days of the close of the public hearing, the Plan Commission must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.
- c. The Plan Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. For zoning text amendments, the Plan Commission must recommend approval, approval with conditions, or denial of the application. For zoning map amendments, the Plan Commission must recommend approval or denial of the application.

##### 2. Action by the Village Board

- a. The Village Board must act on the application within 60 days of receipt of the Plan Commission recommendation. The Village Board must take action in the form of approval, approval with conditions, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments. The Village Board may also refer the application back to the Planning Commission for further consideration.
- b. If the Village Board does not act upon the application within 60 days of receipt of the Plan Commission recommendation, the application is deemed denied unless the Village Board has granted additional consideration time.

- c. In the event the Plan Commission recommends that an amendment be denied, it may only be approved a favorable two-thirds vote of the Village Board.

**E. Approval Standards**

The Plan Commission recommendation and the Village Board decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the Village Board must consider the following standards. The approval of amendments is based on a balancing of these standards.

**1. Approval Standards for Map Amendments**

- a. The compatibility with the zoning of nearby property.
- b. The compatibility with established neighborhood character.
- c. The extent to which property values of the subject property are diminished by the existing zoning.
- d. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- e. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- f. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.
- g. The length of time that the property in question has been unimproved, as presently zoned, considered in the context of development in the area where the property is located.
- h. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- i. The extent to which the proposed amendment creates nonconformities.
- j. The trend of development, if any, in the general area of the property in question.

**2. Approval Standards for Text Amendments**

- a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- b. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- c. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
- f. The extent to which the proposed amendment creates nonconformities.
- g. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

**F. Written Protest of Amendment**

Written protest of an amendment must be filed in accordance with Illinois state law.

## 14.2 SPECIAL USE

### A. Purpose

This Ordinance is based upon the division of the Village into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without individual consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

### B. Initiation

A property owner in the Village, or person expressly authorized in writing by the property owner, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.

### C. Authority

1. The Village Board, after receiving a recommendation from the Zoning Board of Appeals, will take formal action on special use applications.
2. The Zoning Board of Appeals is the primary hearing body for special uses. If the schedule of the Zoning Board of Appeals does not permit a timely hearing of the application, the Plan Commission may review the special use and conduct the public hearing, forwarding their recommendation to the Village Board. If such is the case, the role of the Zoning Board of Appeals described in this section is undertaken by the Plan Commission, including that of minor modifications of approved special uses.

### D. Procedure

An application for a special use must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals.

#### 1. Action by the Zoning Board of Appeals

- a. After receipt of a complete application, the Zoning Board of Appeals will consider the special use at a public hearing. If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Appeals may request additional information from the applicant and the public hearing may be continued.
- b. Within 60 days of the close of the public hearing, the Zoning Board of Appeals must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.
- c. The Zoning Board of Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Zoning Board of Appeals must recommend either approval, approval with conditions, or denial of the special use.

#### 2. Action by the Village Board

- a. The Village Board must act on the special use within 60 days of receipt of the Zoning Board of Appeals recommendation. The Village Board must approve, approve with conditions, or deny the special use. In approving any special use, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with any stipulated conditions. The Village Board may also refer the application back to the Zoning Board of Appeals for further consideration.
- b. If the Village Board does not act upon the application within 60 days of receipt of the Zoning Board of Appeals recommendation, the application is deemed denied unless the Village Board has granted additional consideration time.
- c. In the event the Zoning Board of Appeals recommends that a special use be denied, it may only be approved a favorable two-thirds vote of the Village Board.

#### 3. Conditions on Special Uses

The Zoning Board of Appeals may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as may be deemed necessary for the protection of the public health, safety, and welfare.

**E. Approval Standards**

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The recommendation of the Zoning Board of Appeals and decision of the Village Board must make findings to support each of the following conclusions:

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.
4. The special use conforms to the regulations of the zoning district in which it is to be located.

**F. Modifications to Approved Special Uses**

**1. Administrative Modifications**

The Zoning Administrator may approve the following administrative modifications to an approved special use when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved special use. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. No notice is required for an administrative modification.

- a. A change of business name.
- b. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, or structural safety.
- c. Interior modifications that do not increase the total floor area or building footprint.
- d. Changes in building design, including building materials that continue to meet the requirements of this Ordinance and any conditions of the approval.
- e. Any additions or enlargements to a structure where the floor area devoted to a special use is increased by less than 10%.
- f. The modification of existing accessory structures or the addition of new accessory structures related to the special use when in conformance with the requirements of this Ordinance. This does not include the addition or modification of any outdoor service components, which are considered a minor modification.
- g. A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Ordinance and any conditions of the approval.
- h. The modification of existing signs or the addition of new signs related to the special use when in conformance with the requirements of the Village's sign code.

**2. Minor Modifications**

The Zoning Board of Appeals may approve the following minor modifications to an approved special use when it is determined by the Zoning Board of Appeals that such changes are in substantial conformance with the approved special use. If the schedule of the Zoning Board of Appeals does not permit a timely review of the application, the Plan Commission may review the minor modification.

- a. Any additions or enlargements to a structure where the area devoted to a special use is increased by 10% up to a maximum of 20%.
- b. The addition or modification of new outdoor service components, such as seating or dining areas (on private property). This does not include the addition of drive-through facilities, which are considered a major modification.



- c. Modifications to the approved landscape plan that results in a reduction of the total amount of plant material required but still meet the intent of the landscape requirements of this Ordinance.

**3. Major Modifications**

The Village Board may approve any other changes to an approved special use that do not qualify as an administrative or minor modification. The Village Board may hold a public hearing and approve such major modifications. Alternately, the Village Board may refer the request to the Zoning Board of Appeals to hold a public hearing and make a recommendation. Upon receipt of the Zoning Board of Appeals recommendation, the Village Board will make a decision.

**G. Expiration**

A special use approval expires if any one of the following conditions occurs and no request for an extension of the special use approval is pending.

1. When an approved special use is changed to or replaced by another use.
2. For special uses tied to new construction or additions or enlargements to an existing structure, the special use approval expires within one year of the date of approval if a building permit has not been issued.
3. For special uses within existing structures or on lots where no structure is planned, the special use approval expires within one year of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained.

**14.3 VARIATION**

**A. Purpose**

The purpose of the variation process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

**B. Initiation**

A property owner in the Village, or person expressly authorized in writing by the property owner, may file an application for a variation. A property owner, or his/her designee, may only propose a variation for property under his/her control.

**C. Authority**

1. The Zoning Board of Appeals will take formal action on variation applications. However, the Zoning Administrator is authorized to grant certain administrative variations, as described in Section 14.4.
2. Use variations are prohibited.

**D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals.

1. After receipt of a complete application, the Zoning Board of Appeals will consider the proposed variation at a public hearing. If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Appeals may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Appeals must approve, approve with conditions, or deny the variation within 60 days of the close of the public hearing.
4. If the Zoning Board of Appeals does not act upon the application within 60 days of the close of the public hearing, the application is deemed denied unless the Zoning Board of Appeals has granted additional consideration time.

5. The Zoning Board of Appeals may impose such conditions and restrictions upon the variation as may be deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Appeals may grant a variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variation application.

**E. Approval Standards**

1. The Zoning Board of Appeals decision must make findings to support each of the following:
  - a. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.
  - b. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
  - c. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.
2. The Zoning Board of Appeals, in making its findings, may inquire into the following evidentiary issues, as well as any others deemed appropriate:
  - a. The granting of the variation will not be detrimental to the public health, safety, and welfare in the neighborhood in which the property is located.
  - b. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.
  - c. The proposed variation is consistent with the spirit and intent of this Ordinance and the adopted land use policies.

**F. Expiration of Variation**

An approved variation will expire one year from the date of approval unless a building permit is obtained within such period. The Zoning Board of Appeals may grant an extension for a period of validity longer than one year. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

**14.4 ADMINISTRATIVE VARIATION**

**A. Purpose**

The purpose of the administrative variation is to provide relief from carrying out a requirement of this Ordinance that may cause a minor practical difficulty.

**B. Initiation**

A property owner in the Village, or person expressly authorized in writing by the property owner, may file an application for an administrative variation. A property owner, or his/her designee, may only propose an administrative variation for property under his/her control.

**C. Authority**

The Zoning Administrator is authorized to grant certain administrative variation, as defined below. Only those items listed below are eligible for an administrative exception; all other requests for relief are considered variations (Section 14.3).

1. A 10% or less variation to any dimensional standard in this Ordinance.
2. A reduction of required off-street parking spaces by no more than 10% of that required or two spaces, whichever is greater.
3. A reduction in required bicycle parking of up to 30%.

**D. Procedure**

1. All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will consider an application for an administrative variation. The Zoning Administrator may decide that an application for an administrative variation, even if it meets the thresholds established in this section, is by its nature a major variation to be decided by the Zoning Board of Appeals and will resubmit the application to the Zoning Board of Appeals as a variation. No additional fees are required.
2. The Zoning Administrator must review and evaluate the complete administrative variation application, pursuant to the standards of this section.
3. The Zoning Administrator must render a decision within 15 days of the date listed on the required notice and either approve, approve with conditions, or deny the application.
4. If the Zoning Administrator fails to act within 15 days, the administrative variation will be resubmitted to the Zoning Board of Appeals as a variation, in accordance with the requirements of Section 14.3. No additional fees are required.
5. If a noticed property owner objects to the administrative variation application in writing, prior to the date indicated on the notice that the Zoning Administrator may render a decision, the application must be resubmitted as a variation, in accordance with the requirements of Section 14.3. No additional fees are required.
6. The Zoning Administrator may impose, such conditions and restrictions upon the administrative variation as may be deemed necessary for the protection of the public health, safety, and welfare. The Zoning Administrator may grant an administrative variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.

**E. Approval Standards**

The decision of the Zoning Administrator must make findings to support each of the following conclusions:

- a. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.
- b. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- c. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.

**F. Expiration**

An approved administrative variation will expire one year from the date of approval unless a building permit is obtained. The Zoning Administrator may grant an extension for a period of validity longer than one year. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

**14.5 PLANNED DEVELOPMENT**

**A. Purpose and Intent**

A planned development is a type of special use which is intended to encourage innovative and creative development or redevelopment, while assuring that the development or redevelopment will complement the surrounding character and promote the effective use of land and resources, thereby fostering greater community sustainability and efficiency in public and utility services. Through the use of allowances in the planned development process, the Village seeks to achieve some or all of the following specific objectives:

1. Create a more desirable environment than may be possible through strict application of other Village land use regulations with the use of creative design, landscape, and/or architectural features.
2. Enhance the existing character and property values of the Village and promotion of the general welfare by ingenious and imaginative designs resulting in a better and more creative use of land.

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3. Coordinate the character, the form, and the relationship of structures to one another.
4. Preserve and enhance of desirable site characteristics such as natural topography, vegetation, and geologic features.
5. Maximize the beneficial use of open space.
6. Promote long-term planning pursuant to a site plan that will allow harmonious and compatible land uses or combination of uses with surrounding areas.
7. Promote economic development within the Village.
8. Eliminate blighted structures or incompatible uses through redevelopment, restoration, adaptive reuse, or rehabilitation.
9. Preserve and/or enhance historical and natural resources.

**B. Authority**

The Village Board, after receiving a recommendation from the Plan Commission, will take formal action on requests for planned developments.

**C. Initiation**

An application for a planned development may be filed by:

1. One who has an ownership interest in the site or his/her agents.
2. Any contract purchaser or anyone holding an option to purchase the site.
3. Any unit of government that either owns the site or is not the owner but proposes to acquire the site by purchase, gift, or condemnation.
4. Any developer or development team that has entered into a redevelopment agreement with the unit of local government that either owns the site or is not the owner but proposes to acquire the site by purchase, gift, or condemnation, which has entered into a redevelopment agreement with the unit of local government seeking to acquire the site
5. Any developer or development team.

**D. General Requirements**

1. Planned development is prohibited in the R-1 through R-5 Districts in all circumstances. In all other districts, any development of 20,000 square feet or more in gross floor area that requires relief from zoning regulations is required to go through the planned development process. In addition, in all other districts, any development a minimum of 10,000 square feet up to 20,000 square feet in gross floor area that requires relief from zoning regulations has the option, at the applicant's request, to undergo the planned development process.
2. Site development allowances (i.e., any zoning relief, including any deviation from the Ordinance provisions for the underlying zoning district) may be approved provided the applicant specifically identifies each site development allowance and how it would be compatible with surrounding development and is in furtherance of some or all of the stated objectives of this section.
3. Each planned development must be presented and judged on its own merits. It is not sufficient to base justification for approval or denial of a development upon an already existing planned development except to the extent such development has been approved as part of a site plan.
4. The burden of providing evidence and persuasion that a planned development meets the standards of this section, in every case, rests with the applicant.
5. Structures and uses or combination of uses within a planned development are limited solely to those approved as part of the planned development special use.

6. Buildings and sites must meet LEED Certified standards (US Green Building Council); however, LEED certification is encouraged, but not required. An alternate sustainability rating system may be used, subject to approval by the Village.

**E. Allowances From District Regulations**

**1. Allowances**

The planned development is subject to the underlying district regulations unless an allowance is specifically granted. The Plan Commission may recommend and the Village Board may grant allowances to the zoning district use, dimension, and design regulations where a planned development is located. Allowances from district regulations may be granted for planned developments, if the Plan Commission and Village Board find that such exceptions:

- a. Enhance the overall merit of the planned development.
- b. Promote the objectives of both the Village and the development.
- c. Enhance the quality of the design of the structures and the site plan.
- d. Enable the development to offer environmental and pedestrian amenities.
- e. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
- f. Are compatible with adopted Village land use policies.
- g. Provide a public benefit to the Village, as described below.

**2. Required Public Benefits**

In addition to meeting the requirements of the Ordinance, developers of planned developments are required to provide public benefits, which include providing a compensating benefit, a Village improvement, and public art as defined below.

**a. Compensating Benefits**

Developers of planned developments are required to provide the Village with compensating benefits in return for the Village providing the allowances from Village regulations requested by the developer. The purpose of compensating benefits is to advance Oak Park's physical, cultural, environmental, and social objectives in accordance with the Comprehensive Plan and other adopted plans. Redevelopment often brings with it the need to provide allowances from the regulations but to also make sure that the Village is receiving public benefit in return for providing those allowances by requiring additional compensating benefits to the residents in that area or to the community as a whole. The following are examples of design elements and amenities that can be considered a compensating benefit. Examples are not limited to the following:

- a. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, and pedestrian facilities.
- b. Preservation of existing environmental features.
- c. Preservation of historic features.
- d. Open space and recreational amenities such as recreational open space, including accessory buildings, jogging trails and fitness courses, and playgrounds, dog parks, skate parks, and similar recreational features.
- e. Reduction of impervious surface throughout the development below the threshold required by the district.
- f. Adaptive reuse of existing buildings.

- g. Provision of public car and/or bike share facilities
- h. Affordable housing set-asides.

**b. Village Improvements**

Applicants are required to consult with Village Staff and/or any other public entities as deemed necessary to negotiate necessary Village improvements such as, but not limited to, roadways, alleys, medians, pathways, bike paths, pedestrian drop off areas, transit stops, bus pull outs, and/or other improvements and business retention efforts on site or within the Village for existing businesses on the proposed development site that will promote the objectives of a planned development. The applicant will provide documentation of the negotiated process and agreed upon outcomes as part of the planned development application.

**c. Public Art**

Applicants are required to include at least one piece of public art (e.g., sculpture, mural, mosaic, kinetic art, graphic art, photography, audio/visual, textiles, etc.) as part of the development. Public art is encouraged to celebrate the spirit and history of the Village. The scope of the public art should be in proportion to the square footage of the development upon review and advice by the Village's designated public art review body. The applicant must provide documentation of the negotiated process.

**F. Procedure**

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

**1. Pre-Application [Zoning Administrator](#) Conference**

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

**2. [Pre-Application Design Conference](#)**

[A prospective applicant, prior to submitting a formal application for a planned development, shall meet for a pre-design conference with the Zoning Administrator, the Village's architectural design consultant and any other Village staff members designated by the Village Manager. The purpose of the conference is to assist the prospective applicant understand the Village's expectations relative to design and contextually prior to the development of any conceptual designs.](#)

**23. Mandatory Meeting with Neighborhood**

A prospective applicant, prior to submitting a formal application for a planned development, must meet with the immediate neighborhood near the proposed site. The prospective applicant must provide written notice to all taxpayers of record and business owners within 300 feet of the subject property at least 15 calendar days prior to the scheduled meeting. The notice must contain a description of the proposed project, meeting place, time, date, and contact information of the prospective applicant. The notice must be sent through regular mail by the prospective applicant. The prospective applicant must submit the list of attendees and the list of taxpayers and business owners who were sent notice of the neighborhood meeting. An affidavit of such notification must accompany the aforementioned list of property owners. Notice of the neighborhood meeting must also be noticed in an Oak Park newspaper and posted on the proposed development site.

**34. Action by the Plan Commission**

- a. Upon receipt of a complete application, the Zoning Administrator will prepare a written review of the requested allowances and brief description of the proposed development. Once such report is complete, the Zoning Administrator will forward the report and complete application to the Village Board and Plan Commission.

**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

- b. After receipt of a complete application, the Plan Commission will consider the planned development at a public hearing. If, in the Plan Commission's judgment, the application does not contain sufficient information to enable proper review and consideration, the Plan Commission may request additional information from the applicant and the public hearing may be continued.
- c. Within 60 days of the close of the public hearing, the Plan Commission must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.
- d. The Plan Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Plan Commission must recommend either approval, approval with conditions, or denial of the planned development.

**45. Action by the Village Board**

- a. The Village Board must act on the planned development within 60 days of receipt of the Plan Commission recommendation. The Village Board must approve, approve with conditions, or deny the planned development. In approving any planned development, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with any stipulated conditions. The Village Board may also refer the application back to the Plan Commission for further review.
- b. If the Village Board does not act upon the application within 60 days of receipt of the Plan Commission recommendation, the application is deemed denied unless the Village Board has granted additional consideration time.
- c. In approving a planned development, the Village Board may attach conditions and/or allowances to the approval as it deems necessary to have the proposed development meet the purpose and intent of a planned development.

d. In the event the Plan Commission recommends that a special use (planned development) be denied, it may only be approved by a favorable two-thirds vote of the Village Board.

**G. Effect of Approval or Denial and Expiration**

1. Approval of the planned development by the Village Board authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other required permits. The Zoning Administrator will review applications for these permits for compliance with the terms of the planned development approval. No building permit will be issued for development that does not comply with the terms of the planned development approval.
2. An approval of a planned development by the Village Board becomes null and void if the recipient does not file an application for a building permit for the proposed development within nine months after the date of adoption of the ordinance approving the planned development.
3. An approval of a planned development by the Village Board becomes null and void if construction has not commenced within 18 months and is not completed within 36 months after the date of adoption of the ordinance approving the planned development.
4. Notwithstanding the above, an approval of a planned development with a phasing plan will expire if construction has not commenced or is not completed in accordance with the terms of that phasing plan.
5. An extension of the time requirements may be granted by the Village Board for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline, whenever practicable.
6. Following approval, the Zoning Administrator will revise the Official Zoning Map to reflect the existence and boundaries of the approved planned development. Designation of a planned development on the Zoning Map is for administrative and reference purposes only and does not indicate a zoning district change. The presence or absence of a planned development on the Zoning Map does not validate or invalidate an approved planned development.

**H. Standards For Review**



**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

An application for approval as a planned development may be granted by the Village Board only if it finds that the applicant has furthered some or all of the stated objectives of this Section and, when required, has provided substantial compensating benefits that meet the following standards. During review of the application, these standards supersede the standards established for review of a special use.

1. The proposed development and the use or combination of uses is consistent with the goals and objectives of the Comprehensive Plan and has been considered in relation to any other plans adopted by the Village Board.
2. The establishment, maintenance, or operation of the use or combination of uses will not be materially detrimental to or endanger the public health, safety and welfare of the Village.
3. Adequate utilities, road access, parking, drainage, police and fire service, and other necessary facilities already exist or will be provided to serve the proposed development, including access for fire, sanitation, and maintenance equipment.
4. Adequate ingress and egress to the planned development site already exists or will be provided in a manner that adequately addresses additional traffic congestion in the public streets and promotes a safe and comfortable pedestrian environment.
5. The proposed use or combination of uses will not substantially diminish the use or enjoyment of other property in the vicinity for those uses or combination of uses that are permitted by the Zoning Ordinance of the Village.
6. The proposed design and use or combination of uses will complement the character of the surrounding neighborhood.
7. The applicant has the financial and technical capacity to complete the proposed use or combination of uses.
8. The proposed development is economically feasible and does not pose a current or potential burden upon the services, tax base, or other economic factors that affect the financial operations of the Village, except to the extent that such burden is balanced by the benefit derived by the Village from the proposed use.

**I. Submittal Requirements**

Applications for a planned development must be filed with the Zoning Administrator in such form as required by the Village. Notwithstanding a decision to grant a waiver from a submittal requirement, a decision regarding the request for a waiver of an application requirement does not preclude the Plan Commission or Village Board from requesting that same information and/or any additional information it deems applicable for its review of the planned development application. Every application must contain the following information and related data, unless a waiver is granted.

**1. Fee**

A fee as established by the Village for the application and to defray the costs of providing notice and contracting with independent professionals to review applications as required. The professional costs may include, but are not limited to, engineering, legal fees, traffic analyses, environmental impact studies or analysis, land use design, or other similarly related professional studies. Additional materials may be required during the review of a proposed planned development if determined necessary by the Plan Commission or Village Board.

**2. Standards**

**a. Planned Development Standards**

A statement setting forth the reasons demonstrating that the proposed development meets the standards set forth in this Section. This includes a statement regarding the public benefits to be provided, including a compensating benefit(s), a Village improvement, and public art as defined in this section.

**b. Sustainability Standards**

An evaluation from a third party that demonstrates that buildings and sites meet LEED Certified standards (US Green Building Council); however, LEED certification is encouraged, but not required. An alternate sustainability rating system may be used, subject to approval by the Village.

**3. Owner Information**

**a. Contact information**



**PLAN COMMISSION RECOMMENDED DRAFT**  
**Includes Motions Approved on Sept. 5, 2017**

The names, addresses and phone numbers of the owner(s) of the subject property, or if a trust, the names, addresses, of the beneficiaries, the applicant and all persons known to have a proprietary interest in the subject site and proposed development.

**b. Title Policy and Affidavit of Ownership**

A current property title policy and an affidavit of ownership is required as proof of ownership.

**c. Owner Statement**

A statement from the owner, if the owner is not the applicant, approving the filing of the application by the particular applicant.

**d. Professional Qualifications**

A statement of the professional qualifications and related development experience of applicant and/or applicant's development team.

**e. Financing**

A statement of proposed financing and evidence of the applicant's ability to accomplish same. At the direction of the Village Board, an economic proforma may be required.

**4. Property Information**

**a. Property Restrictions**

The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and structures.

**b. Plat of Survey**

A plat of survey, prepared by a licensed surveyor, with legal description and street address of the subject parcel(s), prepared within the last year or a plat of survey showing current conditions that may be older than one year, prepared by a licensed surveyor.

**c. Historic Preservation Review**

For any development site(s) that includes structures that are of historical significance, determined through either any historic preservation district or as identified in any plan or study, must be evaluated as to its impact by the proposed development and/or its impact on the proposed development.

**5. Reports and Studies**

**a. Environmental Assessment**

Copies of all environmental assessments or impact studies as required by law or a letter from the EPA stating that the site is considered clean by EPA standards.

**b. Village Services Report**

A report on the anticipated demand on all Village and community-wide services including, but not limited to, police, fire, public works, park district, and schools. This report must include a tax impact study indicating all projected tax revenues.

**c. Market Feasibility Report**

A market feasibility report, prepared by a professional real estate consultant or other qualified professional, for all types of proposed land uses within the boundaries of the developed tract, which must include information on unit prices, absorption, and competition.

**6. Traffic and Parking Study**

**a.** A traffic impact study, prepared by a professional engineer qualified in traffic analysis, showing the proposed traffic circulation pattern, including counts, within and in the vicinity of the area of the development which includes any pending development projects and an analysis which does not include any pending development projects. The location and description of any public and traffic-related public improvements to be installed, including any streets and access easements must also be provided.

**b.** A parking impact study, prepared by a professional engineer qualified in parking analysis, showing the estimated parking demand based on proposed uses in relation to existing conditions including any pending development projects for the surrounding area including off-site parking spaces.

## 7. Development Plans

### a. Site Plan

A scaled site plan, a minimum scale of one inch equals 40 feet, showing the contour lines, common space(s) and the location, setback, bulk, and lot area coverage and heights of structures, parking spaces, loading areas, garbage pick-up routes, contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation routes, and utilities. The site plan must also depict all required street furniture and their locations, such as bicycle racks and/or bicycle storage facilities, light poles, benches, and trash receptacles.

### b. Landscape Plan

A landscaping plan, prepared by a registered landscape architect or licensed arborist, prepared in the same scale as the site plan, showing the location, size, character, species, and composition of vegetation and other material. The plan must also include a list containing the quantity, species (including common and botanical name), and the size of all plantings. The landscape plan must follow the requirements of this Ordinance.

### c. Engineering Utility Plan

An engineering plan, prepared by a licensed professional engineer, showing off-site utility improvements required to service the planned development and a report showing the cost allocations for those improvements. The plan must also include the proposed site drainage for the developed tract.

### d. Exterior Lighting Plan

An exterior lighting plan of the same scale as the site plan showing the location of all exterior lighting proposed for the site. The proposed photometrics (level of illumination) as well as the specific design details of all exterior light sources must be provided including light color, height of light fixtures, and illustration of the design. Screening of the light sources should be addressed in the written summary for the project.

### e. Floor Plans

Floor plans of all proposed buildings and structures. The drawings must also include a schedule showing the number, type, and floor area of all uses or combination of uses, and the floor area of the entire development. For residential floor plans, a summary table of units, sizes, room types must be included.

### f. Construction Logistics Plan

Construction traffic and parking schedule indicating the location for the parking of construction vehicles and the anticipated route of construction vehicles, including a communication plan and point of contact posted at the site.

### g. Project Schedule

Schedule of development showing the approximate date for beginning and completion of each stage of construction of development, including a communication plan and point of contact posted at the site.

## 7. Building Elevation Plans

### a. Shadow Study

A shadow study, at a minimum, depicting mid-morning and mid-afternoon shadows cast on the following dates; March 20, June 21, September 22, and December 21, corresponding to the first day of each season, for any proposed structure(s) which exceed the underlying zoning district height or setback restrictions.

### b. Building Elevations

Building elevation drawings illustrating the design and character of the building(s), types of construction, and specified building materials for all sides of the building(s).

### c. Streetscape Elevations

Streetscape building elevation(s) of the proposed building including all street-facing buildings within the same block or, if a corner lot, those located adjacently across the street or alley.

### d. Sign Elevations

Detailed sign elevations of the sign face(s) at a scale of not less than one inch equals two feet, and must designate sign design, dimensions, materials, colors, lighting (level of illumination), and written/graphic message.

**e. Model**

For development proposals within the Greater Downtown TIF area, a to-scale physical three-dimensional model of the proposed development as well as an electronic three-dimensional model developed in an acceptable format approved by the Village.

**8. Responsibility to Record**

A statement acknowledging the responsibility of the applicant to record a certified copy of the ordinance granting the planned development with the Cook County Recorder of Deeds and to provide evidence of said recording to the Village within 30 days of passage in the event the proposed planned development is approved by the Village Board.

**J. Modifications To Approved Planned Developments**

No adjustments may be made to the approved planned development, except upon application to the Village in accordance with the following.

**1. Administrative Modifications**

The Zoning Administrator may approve the following administrative modifications to an approved planned development when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved planned development. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. No notice is required for an administrative modification. The Zoning Administrator may determine that any change, including those below these assigned thresholds, qualifies as a minor or major modification and must be processed as such. The decision of the Zoning Administrator may be appealed to the Plan Commission.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
- b. Changes in building location of no more than six inches that continue to meet the requirements of this Ordinance and any conditions of the approval.
- c. Changes in the location of walkways, vehicle circulation ways and parking areas of up to ten feet that continue to meet the requirements of this Ordinance and any conditions of the approval.
- d. Interior modifications that do not increase the total floor area or building footprint.
- e. Changes in building design, including building materials, that continue to meet the requirements of this Ordinance and any conditions of the approval.
- f. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
- g. Modifications to the approved landscape plan that does not result in a reduction of the total amount of plant material required conforms with all landscape requirements.
- h. Modification of existing signs or the addition of new signs when in conformance with sign regulations.
- i. Altering any final grade.

**2. Minor Modifications**

The Plan Commission may approve the following minor modifications to an approved planned development when it is determined by the Plan Commission that such changes are in substantial conformance with the approved planned development. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number. The decision of the Plan Commission may be appealed to the Village Board. Where such modifications include a threshold of change, the Plan Commission may approve incremental modifications to an approved planned development until such modifications in aggregate exceed such threshold. Any modification that exceeds such threshold whether in a single request or in aggregate, such modification is a major modification.

- a. An increase or decrease in the number of dwelling units of up to 10%.
- b. A change in building height of up to 10%.
- c. An increase or decrease in building coverage up to 10%.
- d. A decrease in open space up to 10%.
- e. A change of in the location of walkways, vehicle circulation ways, and parking areas between 10 to 20 feet.
- f. A change in the location and arrangement of general land use categories within the development, or a change of up to 10% in the overall final approved land use mix in any phase.
- g. A reduction in the number of parking spaces of 10% or ten spaces, whichever is less.
- h. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Ordinance.

**3. Major Modifications**

- a. The Village Board may approve any other changes to an approved planned development that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:
  - i. Any request for an extension of time of the approval.
  - ii. Changes to any conditions imposed as part of approval.
  - iii. Reductions or alterations in the approved public benefits.
  - iv. Any development that does not comply with zoning district regulations.
- b. The Village Board may only approve changes if they find such changes are:
  - i. In substantial conformance with the approved planned development;
  - ii. Necessary for the continued successful functioning of the planned development;
  - iii. Responding to changes in conditions that have occurred since the planned development was approved; and/or
  - iv. Responding to changes in adopted Village land use policies.
- c. The Village Board may hold a public hearing and approve such major modifications. Alternately, the Village Board may refer the request to the Plan Commission to hold a public hearing and make a recommendation. Upon receipt of the Plan Commission recommendation, the Village Board will make a decision.

**14.6 ZONING INTERPRETATION**

**A. Purpose**

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

**B. Initiation**

The Village Board, the Plan Commission, Zoning Board of Appeals, Zoning Administrator, or a property owner in the Village, or person expressly authorized in writing by the property owner, may request a zoning interpretation. All interpretation requests must be for the purpose of furthering some actual development.

**C. Authority**

The Zoning Administrator will review and make final decisions on written requests for zoning interpretations.

**D. Procedure**

All applications for interpretations must be filed with the Zoning Administrator. The Zoning Administrator must review a written request for an interpretation and render the interpretation in writing within a reasonable time. The Zoning Administrator may request additional information prior to rendering an interpretation.

**14.7 CERTIFICATE OF ZONING COMPLIANCE**

**A. Purpose**

The certificate of zoning compliance promotes compliance with this Ordinance by establishing a procedure for the Village to verify that a development complies with all standards of the Ordinance prior to issuance of a building permit.

**B. Authority**

The Zoning Administrator will directly receive and process any application for a certificate of zoning compliance made apart from the application for building permit or when a certificate of zoning compliance is otherwise requested.

**C. Applicability**

No building permit pertaining to the construction or structural alteration of structures, changes in use, or exterior renovations will be issued until a certificate of zoning compliance has been issued stating that the proposed development complies with the provisions of this Ordinance.

**D. Procedure**

1. Every application for a building permit is deemed to be an application for a certificate of zoning compliance. The building permit must have affixed to it the certification of a registered architect or registered structural or professional engineer licensed by the State of Illinois or a certification of the owner-designer that the proposed construction or structural alteration and the proposed use of the structure complies with all the provisions of this Ordinance.
2. Every application for a building permit must be accompanied by a plat stating the number of dwelling units, if applicable, and showing the design, layout, and location of the structure on the lot and of all off-street parking spaces. In addition to the information required by the effective ordinances of the Village, the application must be accompanied by any other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.
3. If the Zoning Administrator finds that the application complies with the provisions of this Ordinance, the Zoning Administrator will issue a certificate of zoning compliance. If the Zoning Administrator refuses to issue a certificate of zoning compliance, the Zoning Administrator will advise the applicant, in writing, of the reasons for denial.
4. Any building permit or certificate of zoning compliance issued in conflict with the provisions of this Ordinance is null and void.

**14.8 ZONING APPEALS**

**A. Purpose**

The zoning appeals process is intended to provide appropriate checks and balances on the administrative authority of the Zoning Administrator

**B. Initiation**

A property owner in the Village, or person expressly authorized in writing by the property owner, that is directly affected by a determination of the Zoning Administrator may file an appeal of the Zoning Administrator's decision on an administrative variation, zoning interpretation, temporary use permit, or other administrative decision related to this Ordinance.

**C. Authority**

The Zoning Board of Appeals will take formal action on zoning appeal applications.

**D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals.

1. After receipt of a complete application, the Zoning Board of Appeals will consider the proposed zoning appeal at a public hearing. If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to properly review and consider the application, the Zoning Board of Appeals may request additional information from the applicant and the public hearing may be continued.
2. Within 60 days of the close of the public hearing, the Zoning Board of Appeals must either confirm or overturn the Zoning Administrator's decision.

**E. Limitations on Zoning Appeals**

A decision of the Zoning Administrator may only be appealed if an application is filed within 45 days of the date the decision is made.

**14.9 TEMPORARY USE PERMIT**

**A. Purpose**

A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately in the Municipal Code.

**B. Initiation**

A property owner in the Village, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application.

**C. Authority**

The Zoning Administrator will review and make final decisions on temporary use permit applications.

**D. Procedure**

All applications for temporary use permit must be filed with the Zoning Administrator. The Zoning Administrator must render a decision on the temporary use permit within 30 days of the date the application is deemed complete. The Zoning Administrator must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

**E. Approval Standards**

All temporary uses must comply with the requirements of this Ordinance, including the temporary standards of Article 9, and the following standards:

1. Unless expressly allowed by this Ordinance, the temporary use or structure complies with the dimensional requirements of the district in which it is located.
2. The temporary use does not cause, or threaten to cause, an on-site or off-site threat to the public health, safety, and welfare.
3. The temporary use is operated in accordance with such restrictions and conditions as the Police and Fire Department may require. If required by the Village, the operator of the temporary use must employ appropriate security personnel.
4. The temporary use does not conflict with another previously authorized temporary use.
5. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.

**F. Expiration**

The temporary use permit is valid only for the time period granted as part of the approval.

## ARTICLE 15. NONCONFORMITIES

- 15.1 GENERAL APPLICABILITY
- 15.2 NONCONFORMING USE
- 15.3 NONCONFORMING STRUCTURE
- 15.4 NONCONFORMING LOT OF RECORD
- 15.5 NONCONFORMING SITE ELEMENTS

### 15.1 GENERAL APPLICABILITY

#### A. Authority to Continue

Any use, structure, lot, or site element that legally existed as a nonconformity as of the effective date of this Ordinance, and any use, structure, lot, or site element that has been made nonconforming as of the effective date of this Ordinance, and any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise legal. A use, structure, lot, or site element that is illegal as of the effective date of this Ordinance, remains illegal.

#### B. Burden on Property Owner

The burden of establishing the legality of a nonconformity under the provisions of this Ordinance is the responsibility of the property owner of the nonconforming use, structure, lot, or site element, or the operator of the use.

#### C. Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare including, but not limited to, all building, fire and health codes apply to nonconformities.

### 15.2 NONCONFORMING USE

#### A. Definition

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district, but because of subsequent amendments to the Ordinance is no longer allowed.

#### B. Expansion

A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use.

#### C. Relocation

A nonconforming use of a structure or land cannot be relocated, in whole or in part, to any other structure or location on the same lot. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.

#### D. Change of Use

A nonconforming use can only be changed to a use allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance is deemed an abandonment of the previously existing nonconforming use.

#### E. Discontinuation or Abandonment

If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of one year, the nonconforming use is terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of God are not included in calculating the length of discontinuance for this section.

#### F. Damage or Destruction

In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased. If the structure containing the nonconforming use is a nonconforming structure, the structure may only be rebuilt, restored,



repaired, or reconstructed in accordance with Section 15.3. However, if a building permit is not obtained within one year of the date of damage or destruction, then the nonconforming use may not be reestablished unless it conforms to all regulations of the zoning district in which it is located, including use.

**G. Single-Family and Two-Family Dwelling Exemption**

A nonconforming single-family and two-family dwelling use in a non-residential district is allowed to continue and must comply with the standards of the R-7 District. A nonconforming single-family and two-family dwelling may be expanded but must meet the standards of the R-7 District. The provisions of item E above regarding discontinuance or abandonment do not apply to such nonconforming single-family and two-family dwellings.

**15.3 NONCONFORMING STRUCTURE**

**A. Definition**

A nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Ordinance no longer conforms to applicable dimensional regulations.

**B. Maintenance**

Normal maintenance and repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

**C. Structural Alterations**

No structural alterations are permitted on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
2. When the alteration will eliminate the nonconformity.
3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity. For example, if a structure is nonconforming in terms of the required front setback (i.e., does not meet the required minimum), the structure may add a rear addition if it meets all other bulk and setback requirements of the district.

**D. Relocation**

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot if the structure conforms to all regulations of the zoning district where it is relocated.

**E. Damage or Destruction**

1. Non-residential nonconforming structures are subject to the following:
  - a. In the event that any non-residential nonconforming structure is damaged or destroyed by an act of God to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.
  - b. When a non-residential nonconforming structure is damaged or destroyed by an act of God to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.
2. If a nonconforming single-family or two-family structure is destroyed or damaged by an act of God, regardless of the percent of damage, it may be rebuilt to its original condition before such casualty or loss. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located. This provision also applies to any nonconforming single-family and two-family dwelling use in a non-residential district.



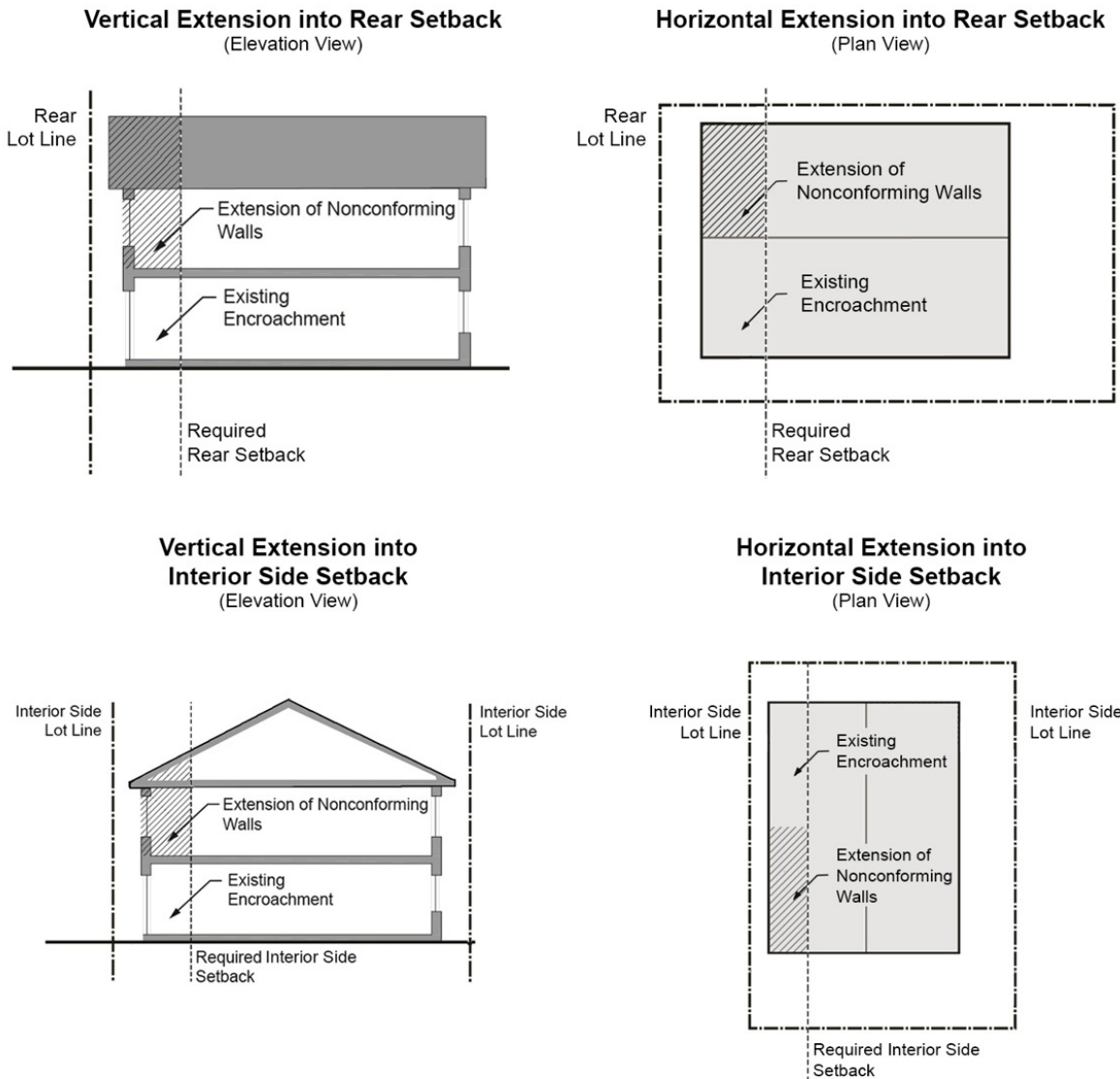
3. If a nonconforming accessory structure to a principal single-family or two-family residential use is destroyed or damaged by an act of God, regardless of the percent of damage, it may be rebuilt to its original condition before such casualty or loss. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.

4. The replacement value of the structure is based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two years or, if that is not available; 3) the amount for which the structure was insured prior to the date of the damage or destruction; or, 4) an alternative method determined acceptable by the Village.

**F. Extension of Walls for Nonconforming Single-Family and Two-family Dwellings**

Where a single-family or two-family dwelling is deemed nonconforming because of encroachment into a required rear or interior side setback, the structure may be enlarged or extended horizontally or vertically along the same plane as the existing perimeter walls, so long as the resulting structure does not violate any other district regulation.

**EXTENSION OF NONCONFORMING WALLS**



#### 15.4 NONCONFORMING LOT OF RECORD

##### A. Definition

A nonconforming lot of record is a lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but because of subsequent amendments to the Ordinance no longer conforms to the applicable lot dimensions.

##### B. Use

A nonconforming lot of record may be used for a permitted or special use allowed within the zoning district.

##### C. Development

Development of a nonconforming lot of record must meet all applicable dimensional or bulk regulations of the district in which it is located with the exception of that lot dimension requirement that renders it nonconforming.

##### D. Lot Division

No division of a nonconforming lot is permitted that creates a nonconforming lot and/or renders a lot or lots remaining nonconforming.

##### E. Common Ownership Limitation

If two or more lots with contiguous street frontage are held in common ownership that have historically been used as a single development site, and one or more of the lots does not meet the requirements for lot width or lot area as established by this Ordinance, the land is considered to be a single zoning lot for the purposes of this Ordinance. No portion of the lots may be used, transferred, or conveyed if it does not meet the lot width and lot area requirements of this Ordinance. No division of the lot may be made which leaves the remaining lot or lots with lot width or lot area below the minimum requirements of this Ordinance without approval of a variation. No building permit may be issued for the use of any lot or portion of a lot transferred or conveyed in violation of this section.

##### F. Building Permits

No building permit will be issued for the use of any lot or portion of a lot, transferred or conveyed in violation of this Article.

#### 15.5 NONCONFORMING SITE ELEMENTS

##### A. Definition

A nonconforming site element is a site development element, such as landscape or lighting, that at one time conformed to the requirements of this Ordinance, but because of subsequent amendments, has been made nonconforming.

##### B. Maintenance

Normal maintenance and incidental repair to a nonconforming site element may be performed. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

##### C. Required Conformance

###### 1. General

All nonconforming site elements must be brought into conformance when the following occurs:

- a. A new principal building is constructed on a site
- b. An existing principal building is increased in building footprint square footage by 30% or more.

###### 2. Nonconforming Parking Lot Landscape

When a parking lot of 15 or more spaces does not conform to required parking lot landscape requirements, it must be brought into conformance when such parking lot is fully reconstructed or expanded by an additional 50% or more spaces (viz., the total number of spaces after expansion is 150% or more of the spaces prior to expansion).

- a. Resealing or re-striping of an existing parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other paving material, is not considered reconstruction.

b. If such action would result in creating a parking area that no longer conforms to the parking regulations of this Ordinance, such existing parking lot is not required to install all or a portion of the required landscape. The applicant is required to show that landscape cannot be accommodated on the site.

c. If only certain requirements are able to be accommodated on the site, those elements are required. The Zoning Administrator will make the determination that all or a portion of required landscape does not have to be installed.

**3. Nonconforming Exterior Lighting**

For exterior lighting, when 25% or more of exterior lighting fixtures are replaced, all exterior lighting on the site must be brought into conformance. This is calculated as installation of new lighting posts and/or non-post mounted lighting fixtures based on the total lighting installed by the type of mounting. For example, if over 25% of the wall-mounted fixtures are to be replaced, all wall-mounted fixtures must be brought into conformance while nonconforming freestanding fixtures may remain.



## **ARTICLE 16. ENFORCEMENT**

- 16.1 ENFORCEMENT OFFICIAL**
- 16.2 APPLICATION OF PENALTIES**
- 16.3 FINES**

### **16.1 ENFORCEMENT OFFICIAL**

This Ordinance is enforced by the Zoning Administrator. The Zoning Administrator may secure the assistance of the Village Attorney to seek an injunction, abatement, or other appropriate actions to enjoin, abate, or stop any violation of this Ordinance. At times, the aid of the Police Department may be sought to enforce this Ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the Village.

### **16.2 APPLICATION OF PENALTIES**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, upon conviction, will be fined for each offence. Each day that a violation continues constitutes a separate offense for the purposes of the penalties and remedies available to the Village. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, ceases upon correction of the violation.

### **16.3 FINES**

Each violation, and each day that such violation continues, is subject to a fine as established in the Municipal Code.