BOARD OF TRUSTEES MEETING
SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

Regular Meeting
Tuesday, May 14, 2024
7:00 PM

"Please be advised that any proposed documents attached hereto are in draft form and vary from the final versions which are adopted at the meeting as set forth herein."

1. CALL TO ORDER

2. ROLL CALL

3. PRESIDENT'S OPENING COMMENTS

   A. National Public Works Week Proclamation

   B. Swearing-In of Deputy Chief Robert Christopherson and Police Sergeant Andrew Franczak

4. PUBLIC COMMENTS

5. APPROVAL OF MINUTES

   A. Regular Board of Trustees Meeting of April 23, 2024

6. CONSENT AGENDA

All items on the Consent Agenda are considered to be routine in nature and will be enacted in one motion. There will be no separate discussion of these items unless a Board member so requests, in which event, the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent Agenda.

   A. Accounts Payable for Period Ending: May 8, 2024 - $899,966.06

      1. Reinders, Inc. - Automatic Bedknife Grinder - $33,299.00

      2. IRMA - February 2024 Premiums - $73,960.79

      3. Sundek of Illinois, Inc. - Pool Deck Repairs and Resurfacing - Progress Payment - $34,500.00

      4. DU-COMM - Fire Department Quarterly Shares May 1, 2024 - July 31, 2024 - $39,773.50

      5. DU-COMM - Police Department Quarterly Shares May 1, 2024 - July 31, 2024 - $142,769.75

      6. EZA - Municipal Engineering Services for April 2024 - $28,243.25

7. Chicagland Pool Management - Pool Management Contract - June 1 Payment - $48,328.00

8. BCBSIL - Health Care Services - May 2024 - $233,621.54

B. Approval of Payroll Paydate: May 02, 2024 - $900,283.71 — Herman/Martin

C. Authorization to Seek Bids or Proposals or Negotiate Contracts:

1. Authorization to seek bids - Professional Services for the replacement of HVAC AC7 and AC8 for the Butler Government Center/Oak Brook Police Department. — Jain/Tiesenga

2. Authorization to seek bids - Professional Services for the Oak Brook BGC Roof Replacement. — Jain/Tiesenga

3. Authorization to seek Bids - Asphalt Material Purchase — Jain/Tiesenga

4. Authorization to seek bids - Professional Services for Water Facility Security Upgrades — Jain/Tiesenga

D. Development Services Referrals

1. Zoning Code Amendments — Manzo/Tiesenga

E. Ordinances and Resolutions

1. ORDINANCE S-1696, An Ordinance Granting Variations from Provisions of Section 13-12-3H.2 And 13-15-2.A of Title 13 ("Zoning Regulations") of The Village Code of the Village of Oak Brook to Allow Additional Parking Spaces for the Property Located At 100 Windsor Drive In the Village Of Oak Brook, Illinois — Manzo/Tiesenga

F. Summer Meeting Payment Schedule — Heman/Martin

7. ITEMS REMOVED FROM CONSENT AGENDA

8. ACTIVE BUSINESS

A. Ordinances & Resolutions

1. RESOLUTION R-2212, A Resolution to Waive Competitive Bidding And Authorize Staff to Issue a Purchase Order to Range Servant for One Range Servant Ultima 45 Dual Golf Dispenser and Ultima 12 Ball Management System for Oak Brook Golf Club — Manzo/Martin

9. BOARD UPDATES

10. ADJOURN TO CLOSED SESSION

For the Purpose of Discussing (1) Minutes of Meetings Lawfully Closed Under This Act, 2) For the Purpose of Discussing the Sale or Purchase of Securities, Investments, or Investment Contracts., 3) To Consider Collective Negotiating Matters Between the Village and Its Employees or Their Representatives Pursuant to 2(C)(21), 2(C)(2), 2(C)7 of the Illinois Open Meetings Act Respectively

11. RECONVENE TO REGULAR BOARD OF TRUSTEES MEETING

12. ORDINANCES AND RESOLUTIONS

A.	ORDINANCE S-1697, An Ordinance Amending the Investment Policy for the Village of Oak Brook, Illinois	Herman/Martin
B.	RESOLUTION R-2214, A Resolution Awarding a Professional Services Agreement to PFM Asset Management LLC, Chicago, Illinois for Professional Investment Management Services	Herman/Martin
C.	RESOLUTION R-2215, A Resolution Awarding a Professional Services Agreement to PFM Asset Management LLC, Chicago, Illinois for other Post-Employment Benefits (OPEB) Investment Advisory Services	Herman/Martin

13. ADJOURNMENT

In accord with the provisions of the American with Disabilities Act, any individual who is in need of a reasonable accommodation in order to participate in or benefit from attendance at this public meeting should contact the Butler Government Center (Village Hall), at 630-368-5010 as soon as possible before the meeting date.

VILLAGE OF OAK BROOK Illinois

2024 Proclamation

National Public Works Week Proclamation

May 19–25, 2024

"Advancing Quality of Life for All"

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of ***Oak Brook, Illinois;*** *and,*

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in ***Oak Brook, Illinois;*** *to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,*

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

NOW, THEREFORE, BE IT RESOLVED, I, ***Laurence E. Herman*** *do hereby designate the week May 19–25, 2024, as National Public Works Week in the* ***Village of Oak Brook, IL,*** *and urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.*

IN WITNESS WHEREOF, I have hereunto set my hand seal this 14th day of May 2024.

_____ _____

Laurence E. Herman
Village President
Oak Brook, Illinois

Netasha Scarpiniti
Village Clerk
Oak Brook, Illinois

Approval for Payroll Paydate: 05/02/24

Total Gross Payroll			**$**	**622,763.11**
Employee Deductions:				
Illinois Municipal Retirement Fund	$	14,235.44		
Police Pension Fund	$	17,769.01		
Fire Pension Fund	$	12,512.53		
Federal Tax Withholding	$	62,854.24		
State Tax Withholding	$	26,175.93		
Social Security and Medicare	$	24,835.57		
ICMA/NACO/457	$	24,854.44		
Court Orders	$	1,357.04		
Insurance Contributions	$	21,924.67		
Aflac Contributions	$	1,142.57		
Mo Vol Life	$	396.78		
Police Union Dues	$	1,479.00		
Fire Union Dues	$	1,353.23		
Public Works Union Dues	$	1,179.79		
125-Medical/Dependent Care	$	2,950.96		
Total Employee Deductions				**215,021.20**
Net Payroll			**$**	**407,741.91**
Village Expenses:				
Police Pension	$	74,321.64		
Fire Pension	$	73,381.59		
IMRF Pension	$	19,037.81		
Insurance Contributions	$	85,943.99		
Social Security and Medicare	$	24,835.57		
Total Village Expenses				**277,520.60**
Total Payroll (Gross Payroll plus Village Expenses)			**$**	**900,283.71**

Payroll Date: 05/02/24

Employee Deductions		Pension Deduction	Salary by Pension Plan	Percent of Pensionable Salary**
	Police	$ 17,769.01	$ 179,304.34	9.910%
	Fire	12,512.53	132,338.28	9.455%
	IMRF	9,881.27	219,582.95	4.500%
	Non-Pensionable	-		0.000%
			$ 531,225.57	

Village Payment into Pensions		Village Contribution	Percent of Payroll*	Percent "Match" of what Employee Contributes
	Police	$ 74,321.64	41.45%	418.3%
	Fire	73,381.59	55.45%	586.5%
	IMRF	19,037.81	8.67%	192.7%
		$ 166,741.04		

*Police and Fire Village contribution rates reflect the State minimum funding requirements. The rates to match 100% funding by 2040 are 51.5% for Police and 67.3% for Fire.

**IMRF employee contribution percentage is statutorily set at 4.5% of pensionable salary; Tier II enrollees are capped at $123,489.18 for 2023. A drop in percentage of pensionable salary below 4.5% for employee contribution reflects Tier II enrollees having met the pensionable wage cap for a given year.

ITEM 6.C.1.
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AGENDA ITEM

Board of Trustees Regular Meeting
of
May 14, 2024

SUBJECT: Replacement of BGC/Police Department HVAC AC7 and AC8

FROM: Tim O'Malley, Public Works Director

BUDGET SOURCE/BUDGET IMPACT: $490,000 ($245,000 each unit) is budgeted in this year's FY2024 budget using account # 411-90400 and an additional $500,000 is available through grant funds allocated to Oak Brook by the Department of Commerce and Economic Opportunity (DCEO), $250,000 for AC7 (SD240551) and $250,000 for AC8 (SD240338).

RECOMMENDED MOTION: I move that the Village Board authorize staff to seek bids for Professional Services for the Oak Brook Police Department HVAC units AC7 & AC8.

Background/History:
The Village of Oak Brook Police Department relies on an HVAC unit situated outdoors, between the Butler Government Center and The Heritage Center. The unit was manufactured and installed around 2002. According to the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), this HVAC unit has exceeded its recommended serviceable life expectancy of 15 to 20 years. The age of the units has made it increasingly more prone to breakdowns and malfunctions and thus causing disruptions in daily police operations. Additionally, age has also made it increasingly harder to procure the necessary maintenance and repair parts needed to keep the units operational, sometimes having to source parts from outside the region and/or used parts, causing excessive delays in repairs. The result is excessive downtime for heating and cooling in a 24/7 departmental operation.

Consequently, the Public Works Department is seeking the board's approval to solicit proposals from qualified vendors for the engineering and replacement of these critical HVAC units, known as AC7 and AC8. The current year's budget has a combined total of $490,000.00 in account 411-90400 and an additional $500,000.00 in DCEO grant money has been allocated to the Village.

Recommendation:
I move that the Village Board authorize staff to seek bids for Professional Services for the Village of Oak Brook Police Department HVAC AC7 & AC8.

Attachments:
None

ITEM 6.C.2.
BOARD OF TRUSTEES MEETING
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AGENDA ITEM

Board of Trustees Regular Meeting
of
May 14, 2024

SUBJECT: Professional Services for BGC Roof Replacement.

FROM: Tim O'Malley, Public Works Director

BUDGET SOURCE/BUDGET IMPACT: $225,000 is budgeted in FY2024 budget in account # 411-90400.

RECOMMENDED MOTION: I move that the Village Board authorize staff to seek bids for Professional Services for the Oak Brook Butler Government Center roof replacement.

Background/History:
The Oak Brook Butler Government Center's Administration, Finance, and Police Department areas are housed in the original part of Village Hall that was constructed in 1973. Our records indicate that the current exterior roofing materials in this area were last replaced in or about 1986. At that time a single-ply one-piece polar white membrane roofing material manufactured by Cooley Roofing Systems marketed under the trade name Cool Top 40 and was installed by Anthony Roofing. Remarkably, the roof has held up well and has even surpassed its intended lifespan of 25-30 years.

However, signs of wear and tear have begun to manifest, and the roof's once impermeable shield has begun to falter. Multiple areas have had temporary repairs performed to stop water leakage. The current roof can no longer effectively keep the rain out, is requiring excessive repair calls and patches, and is now creating additional structural issues.

Public Works is seeking authorization to obtain quotes from qualified vendors for roofing replacement options and costs. $225,000.00 is budgeted in FY2024 within account 411-90400.

Recommendation:
I move that the Village Board authorize staff to seek bids for Professional Services for the Oak Brook Butler Government Center.

Attachments:

None

ITEM 6.C.3.
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AGENDA ITEM

Board of Trustees Regular Meeting
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SUBJECT: Asphalt Material Purchase.

FROM: Tim O'Malley, Public Works Director

BUDGET SOURCE/BUDGET IMPACT: $36,500 is budgeted in this year's FY2024 budget, $5000.00 from 351-62210 (water), $3500.00 from 364-62200 (drainage), $17,500 from 366-62200 (pathway), $8000.00 from 330-62210 (streets) and $2500.00 (golf maintenance) from 834-72000.

RECOMMENDED MOTION: I move that the Village Board authorize staff to seek bids for Professional Services for Asphalt Material Purchase.

Background/History:
This request is to purchase binder course asphalt, surface course asphalt, and tack coat. With these products the Public Works department is planning to pave the multi-use path along Oak Brook Road from Polo to Bath and Tennis Drive.

The Department is also planning on doing more path repairs along Kingston Drive and at the Golf course cart paths. This material is also used for roadway restorations from water main breaks, storm sewer repairs, as well as miscellaneous pothole repairs.

The funds for this material are provided from various program budgets at the Village.

Recommendation:
I move that the Village Board authorize staff to seek bids for Professional Services for Asphalt Material Purchase.

Attachments:
None

ITEM 6.C.4.
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AGENDA ITEM

Board of Trustees Regular Meeting
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SUBJECT: Professional Services for Water Facility Security Upgrades

FROM: Tim O'Malley, Public Works Director

BUDGET SOURCE/BUDGET IMPACT: Budget account 451-91000. This is an unbudgeted project. However, the savings from the Briarwood Lakes and Merry Lane water main projects will be used to fund this project. This project will cost approximately $100,000 out of the $1,058,997.44 of aforementioned project savings.

RECOMMENDED MOTION: I move that the Village Board authorize staff to seek bids for Professional Services for Water Facility Security Upgrades.

Background/History:
The current alarm system at the water stations are over 30 years old and were installed as part of the original Scada system. The system was then upgraded in 2009. This antiquated alarm system requires modernizing at the water stations. We are looking to have a review of our current security alarm system and receive proposals for replacement, including intrusion alarms panels, keypads, sensors, access control, and motion detectors.

By upgrading this system the Village will be positioned to meet new requirements and be able to upgrade with new technology. These upgrades are imperative to meet all current and proposed security requirements which are mandated by the Federal Emergency Management Agency (FEMA) and the Environmental Protection Agency (EPA).

Recommendation:
I move that the Village Board authorize staff to seek bids for Professional Services for Water Facility Security Upgrades.

Attachments:
None

ITEM 6.D.1.
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AGENDA ITEM

Board of Trustees Regular Meeting
of
May 14, 2024

SUBJECT: Zoning Code Amendments

FROM: Rebecca Von Drasek, Development Services Director

BUDGET SOURCE/BUDGET IMPACT: N/A

RECOMMENDED MOTION: I move to refer the request for a text amendment to the Planning & Zoning Commission for a public hearing, discussion, and recommendation.

Background/History:
Village staff has initiated a petition for multiple text amendments to the Zoning Ordinance. These text amendments originated from elected officials and staff discussions about unregulated and outdated references within the Village Code.

In 2015, the Village worked with Teska Associates to draft a comprehensive Code update. Kon Savoy presented the draft amendments at multiple Plan Commission meetings in 2017. The revisions to the Zoning Ordinance were never presented to the Zoning Board of Appeals and not adopted.

At the February 27, 2024 Village Board meeting staff presented draft language which incorporated some of Teska Associates' draft and language addressing current concerns. The revised text was provided to the Planning & Zoning Commission at the March 6, 2024 meeting to allow Commissioners adequate time to review the proposed revisions prior to the public hearings.

Since the March meeting, staff has incorporated minor revisions requested by the Village Board and P&Z Commissioners and is now seeking referral the Planning & Zoning Commission to hold public hearings to discuss the proposed text amendments.

Following is a table highlighting the Text Amendments and their location within the Village Code.

Zoning Ordinance Updates

Updated Chapters	Revisions
All Chapters	Title Director of Development Services throughout.
Chapter 2 - Definitions	Multiple Additions and Deletions
Chapter 3 - General Zoning	6 - Solar Panels, 9 - Remove Microcells, 18 - Prohibited Uses
Chapter 6 - Residential Districts	Lot Area Coverage Images inserted, 6 - Area, Bulk, Density, façade materials, 7- Short-Term Rental Prohibition
Chapter 7 - Business Districts	2 - Establishment of Commercial Districts, ATM, 4 - Location or Retail Sales on Premises, 5 - Outdoor Sales and Uses, Mobile Food Vendors
Chapter 10 - ORA Districts	Special Uses - ATM added, C-6 - Deleted Development Plan replaced with Planned Development
Chapter 12 - Offstreet Parking and Loading	3.N - Shared Parking Reductions, 4.H.3- Parking Structures-Setbacks, 5 - Accessible Parking
Chapter 14 - Administrative and Enforcement	Commissions Combined, 7 - Amendments Updated
Chapter 15 - Planned Developments	Commissions Combined, 8 - Amendments Updated, addition of minor change for PD text.
Chapter 18 - Landscaping	Entire New Chapter

The proposed language is attached, text that has been added is redlined and underlined and text that is being deleted has been ~~stricken out~~. Revisions to the materials since the March meeting of the P&Z Commission are highlighted in yellow.

Recommendation:

Staff recommends the text amendments be referred to the Planning & Zoning Commission for a public hearing, discussion, and recommendation.

Attachments:

1. Final Draft VOB MTG 5.14.2024 sm

TITLE 13
ZONING REGULATIONS

CHAPTER 1
TITLE, PURPOSE AND INTENT

SECTION:

13-1-1: Title

13-1-2: Purpose And Intent

13-1-3: Interpretation Of Provisions

13-1-4: Separability

13-1-1: TITLE:

This Title shall be known, cited and referred to as the ZONING ORDINANCE OF THE VILLAGE OF OAK BROOK, ILLINOIS OF 1966. (Ord. G-60, 3-22-1966)

13-1-2: PURPOSE AND INTENT:

A. Purpose: This Title is adopted to the end that:

1. Adequate natural light, pure air and safety from fire and other dangers may be secured.

2. Value of land and structures throughout the Village may be conserved.

3. Congestion in the public streets may be lessened or avoided.

4. Hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided.

5. Aesthetic values throughout the Village may be preserved and enhanced.

6. Public health, safety, comfort, morals, convenience and general welfare may otherwise be promoted.

B. Intent: To achieve these ends, this Title sets forth regulations and standards to:

1. Regulate and limit the height and bulk of structures hereafter erected.

2. Establish, regulate and limit setback lines along streets.

3. Regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces within the surrounding structures.

4. Classify, regulate and restrict the location of trades and industries and the location of structures designed for industrial, business, residential and other specified uses.

5. Divide the entire Village into districts of such number, shape, area and of such different classes as may be suitable.

6. Prohibit structures or uses incompatible with the character of such districts.

7. Fix standards to which structures therein shall conform.

8. Prevent additions to, and alteration or remodeling of, exiting structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Title.

9. Provide for the gradual elimination of structures and uses which are incompatible with the character of the districts in which they are located.

10. Define and limit the powers and duties of the administrative officers and bodies as provided in this Title.

11. Prescribe penalties for the violation of the provisions of this Title, or of any amendment thereto. (Ord. G-60, 3-22-1966)

13-1-3: INTERPRETATION OF PROVISIONS:

In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements for the promotion and protection of the public health, safety, comfort, morals, convenience and general welfare. In addition:

A. Where the conditions imposed by any provision of this Title upon the: 1) use of land or structures; 2) height and bulk of structures; 3) floor area requirements; 4) lot area and width requirements; and 5) yard and other open space requirements are more restrictive or less restrictive than comparable standards imposed by any other provision of this Title or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern.

B. This Title is not intended to abrogate any easement, covenant or other private agreement.

C. No use or structure not lawfully existing at the time of the adoption of this Title shall become or be made lawful solely by reason of the adoption of this Title; and to the extent that, and in any manner that, said unlawful structures or use are in conflict with the requirements of this Title, said structure or use remains unlawful under the provisions of this Title. (Ord. G-60, 3-22-1966)

13-1-4: SEPARABILITY:

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

A. If any court of competent jurisdiction shall adjudge any provisions of this Title to be invalid, such judgment shall not affect any other provision of this Title not specifically included in said judgment.

B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular property or structure, such judgment shall not affect the application of said provision to any other property or structure not specifically included in said judgment. (Ord. G-60, 3-22-1966)

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CHAPTER 2
DEFINITIONS

SECTION:

13-2-1: Rules Of Word Construction

13-2-2: Definitions

13-2-1: RULES OF WORD CONSTRUCTION:

In the construction of this Title the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

In addition:

A. The present tense includes the future and the future the present; the singular number includes the plural and the plural the singular; the word "shall" is mandatory, and the word "may" is permissive.

B. The material under each caption or heading in this Title shall be construed and limited in a manner consistent with the applicable captions or headings and subheadings. (Ord. G-60, 3-22-1966)

13-2-2: DEFINITIONS:

The following words and terms, when used in this Title, shall have the meaning set forth after each:

ABUTTING: To have a common property line or district line.

ACCESSORY: A use, structure, or part of a structure, which:

A. Is subordinate to and serves the principal use or structure.

B. Is subordinate in area, extent or purpose to the principal use or structure.

C. Contributes to the comfort, convenience or necessity of occupants of the principal use or structure.

D. Is located on the same lot as the principal use or structure served, with the exception of accessory off-street parking facilities as are permitted elsewhere than on the same lot with the use or structure.

ACCESSORY LIVING UNIT: A detached accessory building that provides living space (as defined by International Residential Code, Chapter 2, Definitions) in a location other than

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the principal residence. A detached accessory living unit may be located in a pool house, detached garage, or other similar accessory building or structure.

ADJACENT: Touching, as distinguished from lying near.

ADJOINING: Touching or contiguous, as distinguished from lying near.

AGRICULTURE: Farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and accessory uses customarily incidental to normal agricultural activities.

~~AIRPORT: A lot which is used, or intended, for the landing and takeoff of aircraft, together with all structures located thereon.~~

ALLEY: A public or private right of way, other than a street, less than thirty feet (30') in width, which right of way normally affords secondary means of access to abutting properties.

APARTMENT: A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. A private bathroom and basic kitchen facilities, i.e., sink, stove, and refrigerator permanently installed must always be included for each apartment.

ARBOR: A landscape structure or shelter support by at least 4 columns or poles, consisting of latticework to support climbing shrubs or vines. For the purposes of this Title, an arbor is not a fence and is an accessory structure.

Arbor

ASSISTED LIVING FACILITY: A facility providing housing and services for a group of persons, typically elderly, which may include provision of meals, housekeeping, and personal care assistance.

ALTERATION: A change in size, shape, character or use of a structure.

~~AUTOMOBILE LAUNDRY: A building or portion thereof containing facilities for washing more than two (2) motor vehicles, using production line method.~~

AUTOMOBILE CHARGING FACILITY, RESIDENTIAL: An electrical charging device for licensed electric or hybrid motor vehicles, provided that the charging device and vehicle being charged are completely enclosed within a single-family residence or accessory structure.

AUTOMOBILE CHARGING FACILITY, COMMERCIAL: An electrical charging device or group of devices for licensed electric or hybrid motor vehicles, other than those defined as "AUTOMOBILE CHARGING FACILITY, RESIDENTIAL".

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AUTOMOBILE MINI-MARKET: An automobile service station which includes the retail sale of merchandise or services not related to the maintenance, service or repair of motor vehicles in addition to the sale of fuel, oil and accessories for motor vehicles. Such use shall be located entirely within the buildable area and the building floor area, including all storage for such use, which may not exceed ~~one~~ two thousand (~~1~~2,000) square feet.

AUTOMOBILE SERVICE ~~STATION~~ FACILITY: A building or portion thereof or lot used for offering for sale at retail to the public, fuels, oils and accessories for motor vehicles; where repair service is incidental, where no storage or parking space is offered for rent and where no motor vehicles or boats are offered for sale or rent. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

AWNING: A roof like projection, rigid or retractable in operation, which projects from the wall of a building.

BASEMENT. A *story* that is not a *story above grade plane*

(see "*Story above grade plane*")~~BASEMENT: A story having part but not more than one-half (1/2) of its floor to clear ceiling height below grade. When a basement is used for storage, or garages for use of occupants of the building, or other facilities common for the operation and maintenance of the entire building, it shall not be counted as a story.~~

BI-LEVEL: A dwelling having one story at approximate grade level and a second story one-half (1/2) story higher over a habitable basement approximately one-half (1/2) of which basement is above grade level.

BLOCK: A tract of land bounded by streets, or by a combination of street, railroad rights of way, public parks, permanent open space and other lines of demarcation. A block may be located in part beyond the corporate limits of the village.

BOARD OF TRUSTEES: The president and board of trustees of the village of Oak Brook, Illinois.

BUILDABLE AREA: That portion of a lot which meets at least the minimum width requirements and setback lines of the district within which it is located (see definition of Lot Width, and illustrations in Chapters 6 and 7).

BUILDING: A structure having a roof designed or built for the enclosure, shelter or protection of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

BUILDING, ACCESSORY: A subordinate building or portion of a principal building, the use of which is incidental to that of the principal building and customary in connection with that use.

BUILDING, COMPLETELY ENCLOSED: A building with a permanent roof separated on all sides from the adjoining open space or from other structures, by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.

BUILDING COVERAGE: The horizontal area measured from the outside of the exterior walls of the ground floor of all principle and accessory buildings on a lot.

BUILDING, DETACHED: A building surrounded by open space on the same lot.

BUILDING, PRINCIPAL: A ~~nonaccessory~~ building in which the primary use of the lot on which it is located is conducted.

~~BUILDING, TEMPORARY: A building not designed or intended to be permanently located at the place where it is, or where it is intended to be, placed or affixed.~~

BULK: The term used to indicate the size, location and number of structures, including: a) size and height of structures; b) location of exterior walls; c) floor area ratio; d) open space allocated to structures; and e) lot area and lot width.

BURIAL STRUCTURES: Aboveground structures within cemeteries, other than community burial structures, used, or intended to be used, for the entombment of human remains, including, without limitation, mausoleums, columbaria, and other similar structures.

BUSINESS: An occupation, employment or enterprise which occupies time, attention, labor and materials; or wherein merchandise is exhibited or sold or services are offered.

~~CANDLEPOWER: The luminous intensity, as evaluated in effectiveness of stimulating visual sensation, of any radiation in a given direction. The international candle was adopted in 1940 as one-sixtieth (1/60) of the brightness of freezing platinum.~~

CAR WASH: A building or portion thereof containing facilities for washing more than two (2) motor vehicles, using production line method.

CARPORT: A roofed automobile shelter, with two (2) or more open sides.

~~CELLAR: A story having more than one-half (1/2) of its floor to clear ceiling height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.~~

CEMETERY: Any land or structure dedicated to and used, or intended to be used, for the burial, interment, or entombment of human remains, and related accessory uses.

CEMETERY ACCESSORY STRUCTURES: Structures used in support of and accessory to a cemetery use, including, without limitation, caretaker or similarly used residences, greenhouses, sales offices, storage buildings, administrative offices, and other similar structures accessory to a cemetery.

~~CLINIC, MEDICAL OR DENTAL: A building or portion thereof, the principal use of which is for offices of physicians or dentists, or both, for the examination and treatment of persons on an outpatient basis.~~

~~CLOSED CUP FLASHPOINT: The lowest temperature at which a combustible liquid under the most favorable condition will give off a flammable vapor which will burn immediately.~~

CLUB OR LODGE, PRIVATE: A structure or part thereof used by a not for profit association of persons who are bona fide members and where facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises provided they are secondary and incidental to the principal use.

COCKTAIL LOUNGE: An establishment where refreshments having alcoholic contents, as stipulated by law, are sold to be consumed on the premises, but not including restaurants where the principal business is the serving of food, except restaurants where accessory cocktail lounges are permitted by district regulations of this title.

COMMERCIAL THOROUGHFARE: A "roadway", as defined in this section, depicted or described as a principal arterial street or a collector route in the official comprehensive plan and official map of the village, and those local roadways that have substantial footage abutting and adjoining properties zoned ORA or business.

COMMUNITY BURIAL STRUCTURES: Aboveground structures over twenty feet (20') in height used, or intended to be used, for the entombment of human remains, located in or near the center of a cemetery in accordance with their specific applicable regulations in this title, including, without limitation, mausoleums, columbaria, and other similar structures.

CONDOMINIUM: A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared common areas and facilities. These dwelling units may be attached horizontally or vertically.

CONFORMING STRUCTURE: Any structure which: a) complies with all the regulations of this title governing the district in which said structure is located; or b) is designed or intended for a permitted use or special use, as allowed in this title in the district in which it is located.

CORNER: The meeting place of two (2) converging surfaces.

COURT: An open unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

Data Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage

facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

DAYCARE CENTER: A facility in which are received three (3) or more children, not of common parentage, apart from their parents or guardians, for part or all of the day, but not later than nine o'clock (9:00) P.M. The term "daycare center" includes, but is not limited to, nursery schools, childcare centers, day nurseries and playgroups, but does not include kindergartens or nursery schools operated by public or private elementary or secondary school systems.

~~DEVELOPMENT PLAN: A proposal for the development of a parcel of land zoned or to be zoned ORA3 containing a statement setting forth the information specified in subsection 13-10C-6C1 of this title, and a plat setting forth graphically the information specified in subsection 13-10C-6C2 of this title.~~

DIRECTOR OF ~~COMMUNITY~~ DEVELOPMENT SERVICES: The official of the village, duly appointed and designated as its director of ~~community~~ development services.

DISABILITY: Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.

DOCTOR'S OFFICE: A doctor's office is a medical facility which is not a medical clinic, and consists of up to four treatment rooms, either general practitioners or specialists, which receive and treat patients. Patients at a doctor's office are typically visiting for regular check-ups and do not require any intense form of hospitalization. A doctor's office shall not exceed one (1) doctor.

DOG RUNS/KENNELS: Enclosures constructed for the purpose of containing dog(s) outside of the principal structure on a property.

DRIVE-IN ESTABLISHMENT: A structure or part thereof in which are provided facilities primarily for serving patrons parked in automobiles on the premises.

DUPLEX: A structure containing two (2) dwelling units, each of which has separate and direct access to the outside.

DWELLING: A building or portion thereof designed or used exclusively for residential uses, including single-family and multiple-family dwellings, but not including mobile homes or other trailers, or lodging rooms in hotels, motels or lodging houses.

DWELLING, ATTACHED (TOWNHOUSE, GROUP, ROW OR GARDEN APARTMENT): A multiple-family dwelling originally designed and constructed to accommodate three (3) or more dwelling units, with the dwelling units joined together by party wall or walls. Each unit shall have its own ground floor entrance and living space.

DWELLING, DETACHED: A dwelling which is surrounded on all sides by open spaces on the same lot.

DWELLING, MULTI-FAMILY, AGE-RESTRICTED: An age-restricted or age-targeted development containing two (2) or more dwelling units and which may include independent living, assisted living, or senior congregate living.

DWELLING, MULTIPLE-FAMILY: A dwelling containing two (2) or more dwelling units.

DWELLING, SEMIDETACHED (TOWNHOUSE, GROUP, ROW OR GARDEN APARTMENT): A dwelling joined to one other dwelling by a party wall, or vertical cavity wall, and aboveground physically unifying horizontal structural elements.

DWELLING, SINGLE-FAMILY: A dwelling containing one dwelling unit only.

DWELLING UNIT: One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire family, shall always be included within each dwelling unit.

EFFICIENCY UNIT: A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets and may contain dining alcove directly off the principal room provided that such dining alcove does not exceed one hundred twenty five (125) square feet in area.

ELECTRIC DISTRIBUTION CENTER: A terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.

ELECTRIC SUBSTATION: A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally to the local distribution system.

ENCLOSED PARKING: Parking which is housed in a parking structure, or in a portion of the principal building on a lot, which is completely under a permanent roof and with sidewalk enclosures so designed as to screen the parked cars from view from the exterior of the structure. Completely open wall sections shall be permitted only for entrance and exit driveways. Access to all parking spaces shall be from aisles within the structure.

ERECT: To construct or reconstruct or excavate, fill, drain or conduct physical operation of any kind in preparation for or in pursuance of construction or reconstruction or to move a structure upon a lot.

ESTABLISHMENT, BUSINESS: A structure or lot used in whole or in part as a place of business, the ownership or management of which is separate and distinct from the ownership or management of any other place of business located on the same or other lot.

EXISTING CEMETERIES AND STRUCTURES: Any cemetery, and the cemetery structures existing therein, existing as of January 22, 2013.

FALLOUT SHELTER: An accessory structure and use which incorporates the fundamentals for fallout protection - shielding mass, ventilation, and space to live, and which is

constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout. It shall not be used for storage purposes, other than for food, clothing, medical supplies and materials required for temporary shelter.

FAMILY: One person or two (2) or more persons each related to the other by blood, marriage or legal adoption, or a group of not more than three (3) persons not all so related, together with ~~his or~~ their domestic servants, maintaining a common household in a dwelling unit. ~~A family may include, in addition thereto, not more than two (2) roomers, boarders or permanent guests - whether or not gratuitous.~~

FENCE: A structure used to delineate a boundary, or as a barrier, or as a means of confinement or for confinement.

FENCE, OPEN: A fence, including gates, which has, over its entirety, fifty percent (50%) of the surface area in open space as viewed from an angle of ninety degrees (90°) from the fence line, except that the required open space in louver-type fences may be viewed from any angle~~, and excluding metal fences with more than seventy five percent (75%) of its surface area open space~~.

FENCE, SOLID: A fence, including gates, which conceals from view from adjoining properties, streets or alleys, activities conducted behind it.

FENCE TYPE STRUCTURE: Any fence, or part thereof, located in the buildable area of a property and not located in any required yard. "Fence type structures" include solid privacy screens and open patio enclosures. A "fence type structure" shall not include any part of a fence located outside of the buildable area of a property.

FLOOR AREA FOR DETERMINING FLOOR AREA RATIO: The sum of the gross horizontal area of the several stories including the basement of a building, measured from the exterior faces of the exterior walls, or from the center lines of walls separating two (2) buildings. The floor area shall also include the horizontal areas on each story devoted to: a) elevator shafts and stairwells; b) mechanical equipment, except that located on roofs whether open or enclosed, i.e., bulkheads, water tanks, and cooling towers; c) habitable attic space as permitted by the building code of the Village; d) interior balconies and mezzanines; e) enclosed porches; and f) accessory uses. The horizontal area in every story of a building devoted to enclosed off-street parking and off-street loading facilities shall not be included in the floor area.

FLOOR AREA FOR DETERMINING OFF-STREET PARKING AND LOADING REQUIREMENTS: Floor area when prescribed as the basis of determining off-street parking and off-street loading requirements shall be the sum of the gross horizontal area of the several stories of a structure taken from glass line to glass line and including the structure's primary and permanent working area, but excluding the basement.

FLOOR AREA RATIO: The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. (The floor area ratio as designated for

each district, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the building or buildings on the lot).

FOOT-CANDLE: A unit of illumination, equivalent to the illumination at all points which are one foot (1') distance from a uniform point source of one candlepower.

FOOT-LAMBERT: A unit of brightness, usually of a reflecting surface. A diffusion surface of uniform brightness reflecting or emitting the equivalent of the light from one candle at one foot (1') distant over one square foot has a brightness of one foot-lambert.

~~FREE-BURNING: The rate of combustion of a material which burns actively and easily supports combustion.~~

FREQUENCY: Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

~~GARAGE, PUBLIC: A building or portion thereof, other than a storage garage, designed or used for equipping, servicing, repairing motor vehicles. Hiring, selling and storing of motor vehicles may be included.~~

GARAGE, STORAGE: A building or portion thereof designed or used exclusively for storage of motor vehicles and in which fuels and oils are not sold, except as regulated in this Title, and in which no motor vehicles are equipped, repaired, hired and sold.

GATE: A structure that may be swung, drawn or lowered to block an entrance or passageway. A gate may be part of a fence or may exist separately.

GROSS DENSITY: Ratio between total number of dwelling units on a lot and total lot area in acres. The area to include local streets.

~~GROUND FLOOR AREA: The lot area covered by a principal building measured at grade from the exterior faces of the exterior walls, but excluding open porches or terraces, garages or carports.~~

~~GROUP HOME: A dwelling unit shared by no more than eight (8) persons not related by blood, marriage, adoption, or guardianship, plus their resident staff, who live together as a single housekeeping unit and in a long term family like environment in which staff persons assist in providing care, education and participation in community activities for the residents with the primary goal of enabling residents to live as self-sufficiently as possible in order to function at their maximum potential. A group home may be shared by groups such as, but not limited to, the disabled or persons fifty-five (55) years of age or older, but shall not include halfway houses, hospices, or living quarters which serve persons as an alternative to incarceration for a criminal offense.~~

~~GUEST, PERMANENT: A person who occupies or has the right to occupy a lodging house, hotel, apartment hotel or motel accommodation as his place of permanent residence.~~

HABITABLE VEHICLE: A vehicle designed, constructed or modified to permit its use as temporary or permanent living or working quarters, recreational vehicles and campers.

HEALTH CLUB: The meeting place of a group of persons organized for the purpose of improving the general condition of their health through exercise.

~~HELICOPTER: Any rotary wing aircraft which depends principally for its support and motion in the air upon the lift generated by one or more power driven rotors rotating on a substantially vertical axis.~~

HELIPORT (NOT FOR FREIGHT): Any area of land, water or structural surface which is designed, used or intended to be used for the landing and takeoff of helicopters and any pertinent areas which are designed, used or intended to be used for a heliport building or other facilities which have received a certificate of approval from the Division of Aeronautics, State of Illinois, Department of Transportation and a special use permit from the Village to operate said heliport.

HOME OCCUPATION: A gainful occupation or profession conducted entirely within a dwelling unit.(as further described in Chapter 6).

HOTEL: A building or buildings, sometimes designated as a motel, motor inn or highway hotel, containing not less than ~~fifty (50)~~ eighty (80) lodging rooms, where lodgings are provided for compensation, ~~but excluding apartment hotels as defined in this Section~~. A hotel may include dining and meeting rooms, and business uses commonly incidental to a hotel operation.

HOTEL, APARTMENT: A hotel in which more than fifty percent (50%) of the accommodations are in dwelling units occupied or intended for occupancy by permanent guests.

INSTITUTION: A building occupied by a religious, educational, scientific or charitable not-for-profit corporation or organization, wholly for public or semi-public use.

JUNKYARD: A lot, with or without accessory structures, used for the abandonment, storage, keeping, collecting, buying, selling, exchanging, baling, packing, disassembling or handling scrap or discarded materials, including vehicles, machinery and equipment not in operable condition, or parts thereof, and other metals, paper, rags, rubber tires and bottles.

KENNEL Commercial: A place or premises where dogs, cats or other household domestic animals are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

LAMBERT: 1/929 of a foot-lambert, usually used to designate intrinsic brightness of light sources.

LAUNDERETTE: A business that provides coin-operated self- service washing, drying, dry-cleaning or ironing facilities, provided no pickup or delivery service is maintained.

LOADING BERTH: A space within the principal building or on the same lot as the principal building providing for the standing, loading or unloading of trucks and with access to a street or alley.

~~LODGING HOUSE: A building originally designed for and used as a single or two-family dwelling, all or a portion of which contains lodging rooms which accommodate persons who are not members of the keeper's family and where lodging or meals, or both, are provided for compensation for three (3) or more persons.~~

~~LODGING ROOM: A room or suite of rooms rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this Title.~~

LOT: A parcel of land consisting of adjoining parts which, at the time of filing for a building permit, is designated by its owner or developer as a parcel to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "lot" may or may not coincide with a lot of record.

LOT AREA: The area of a horizontal plane bounded by lot lines. For the purposes of meeting minimum lot area requirements, the land area of a lot used for providing private access rights of way shall not be included.

LOT, CORNER: A lot of which at least two (2) adjacent sides abut for their full lengths upon streets; provided, that the interior angle of the intersection of such two (2) sides ~~is less than one hundred thirty five degrees (135°)~~.

LOT COVERAGE: The percentage of a zoning lot's area covered by all roofed structures on the lot (i.e. principal and attached accessory structures), and NOT detached accessory structure.

LOT, INTERIOR: A lot that is not a corner lot.

LOT LINE ADJOINING A STREET: A front lot line, the side lot line of a corner lot which abuts a street, or a rear lot line of a through lot.

LOT LINE, FRONT: The boundary of a lot abutting a street. On a corner lot, either lot line may be construed to be the front lot line by the owner.

LOT LINE, INTERIOR: A lot line which does not abut a street.

LOT LINE, REAR: An interior lot line which is most distant from and is or is ~~almost~~ within 45 degrees of parallel to the front lot line, and in the case of an irregular- or triangular-shaped lot, ~~a line ten feet (10') in length within the lot, which is parallel to and~~ the corner point which is at a maximum distance from the front lot line.

LOT LINE, SIDE: An interior lot line which is not a front lot line or a rear lot line.

LOT LINES: The property lines bounding a lot.

LOT OF RECORD: A single lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of DuPage County, Illinois, which has a minimum lot area equal to or greater than ten thousand (10,000) square feet and a minimum lot width equal to or greater than sixty feet (60'); or any lot legally created prior to November 9, 1971, which: a) has a minimum lot area equal to or greater than ten thousand (10,000) square feet and a minimum width equal to or greater than sixty feet (60'); b) for which an assessment plat has been filed with the recorder of deeds of DuPage County, Illinois, pursuant to the provisions of 35 Illinois Compiled Statutes 205/35.

LOT, REVERSED CORNER: A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH: A lot having frontage on two (2) streets, but excluding corner or reversed corner lots.

LOT WIDTH: The length of a line parallel to the street measured at the front lot line, except on a curvilinear street where it shall be a line parallel to the street measured at the setback line.

MANUFACTURING ESTABLISHMENT: A lot and structure, the principal use of which is manufacturing, fabricating, processing, assembling, repairing, storing, cleaning, servicing, or testing of materials, goods or products.

MARQUEE: A rooflike structure of a permanent nature which projects from the wall of a building.

MEDICAL CLINIC: A healthcare facility that is not a doctor's office but is primarily devoted to the care of outpatients who are treated without staying at the facility overnight. Either publicly or privately owned, medical clinics typically cover the primary healthcare needs of the population within the community. A medical clinic requires more than one (1) doctor.

MEMORIAL STRUCTURES: Aboveground structures within cemeteries: a) installed for the purpose of marking, commemorating, or honoring a deceased person and b) not used for the aboveground entombment of human remains, including, without limitation, grave stones, family estate markers, ornamental benches, vases and other decorative structures, and similar aboveground structures.

MICROBREWERY OR BREW PUB: A restaurant-brewery that brews beer primarily for sale in a restaurant and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed 15,000 barrels per calendar year (465,000 gallons). One (1) U.S. barrel is equivalent to thirty-one (31) gallons.

MICRODISTILLERY: A small-scale artisan manufacturing business that blends, ferments, processes, packages, distributes, and serves alcoholic spirits on and off the premises and produces no more than 15,000 gallons per calendar year on-site.

The micro distillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Offsite distribution of alcoholic beverages shall be consistent with state law.

MICROWINERY: Combination retail, wholesale and small-scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves wine for sale on or off-site, and produces no more than 100,000 gallons per year. The micro winery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Offsite distribution of the vinous beverages shall be consistent with state law.

~~MICRON: A unit of length, equal to one-thousandth part of one millimeter (0.001 mm).~~

MOBILE FOOD VENDING (Food Trucks). A licensed, motorized vehicle or mobile food unit which is readily movable, motorized-wheeled vehicle or a towed vehicle where food items are sold to the general public, but which does not include mobile vending carts. A mobile food vehicle must be owned and operated by the owner, or agent of a licensed food establishment in the Village and must be affiliated with that establishment.

MOBILE HOME: A trailer designed and constructed or used for dwelling purposes which contains cooking, sanitary and electrical facilities, and has a gross floor area of four hundred twenty (420) square feet or more.

MOTOR VEHICLE: A passenger vehicle, habitable vehicle, truck, truck trailer, trailer or semitrailer propelled or drawn by mechanical power.

NAMEPLATE: A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

NATURAL GROUND LEVEL: The existing elevation, prior to any movement of organic or nonorganic matter which would require the issuance of a permit under the ordinances of the village, or the proposed elevation as depicted on a subdivision grading plan approved by the village, or as otherwise reasonably determined by the village engineer.

NO ACCESS STRIP: A strip of land within and along a rear lot line of a through lot adjoining a street which is designated on a recorded subdivision plat or property deed as land over which motor vehicular travel shall not be permitted.

NONCONFORMING STRUCTURE: A structure lawfully established which: a) does not comply with all the regulations of this title governing the bulk of the district in which such structure is located; or b) is designed or intended for a nonconforming use.

NONCONFORMING USE: A structure and the use thereof or the use of land that does not conform with the regulations of this title governing use in the district in which it is located but which conformed with all of the codes, ordinances and other legal requirements applicable at the time such structure was erected, enlarged or altered, and the use thereof or the use of land was established.

~~NURSERY SCHOOL: A building containing facilities for the part time care of five (5) or more children of preelementary school age in addition to the dwelling unit of the family residing therein.~~

NURSING HOME: A building containing facilities for the care of and occupancy by aged, chronically ill, infirm or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three (3) or more persons not members of the family residing on the premises are received, and provided with food, shelter and care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.

OCTAVE BAND: A method of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

ODOR: The minimum concentration of odorous matter in the air that can be detected as an odor.

~~ODOR THRESHOLD: The minimum concentration of odorous matter in the air that can be detected as an odor. Odor thresholds for many materials and compounds can be found in table III, chapter 5, of "Air Pollution Abatement Manual", copyrighted 1951 by the Manufacturing Chemists Association, Inc., Washington, D.C.~~

OFF STREET PARKING FACILITY: A lot which is improved and used or a structure which is designed and used exclusively for the storage of passenger motor vehicles, either for accessory off street parking spaces or commercial off street parking spaces. T ~~When t~~he parking structure is an accessory building, it shall be compatible in appearance with the principal building. An off-street parking facility shall not be a principal use.

OPEN LAND: A single parcel of land in its natural state or used for agriculture, or outdoor recreational uses upon which there are located only structures incidental to the operation of such uses and upon which building coverage does not exceed two percent (2%) of the area.

OPEN SALES LOT (Automobile Sales): A lot occupied or used for the purpose of buying, selling, or renting merchandise stored or displayed out of doors prior to sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats or similar commodities.

PARKING SPACE: A space, enclosed in a building or unenclosed, used for the parking of one automobile and which is accessible to and from a street or alley.

PARTICULATE MATTER: Finely divided solid or liquid matter, other than water, which is released into the atmosphere.

PARTY WALL: An interior wall of adjoining buildings extending from its footing to the underside of the roof, and which separates and is in common use by such adjoining buildings.

PERFORMANCE STANDARD: Criteria established to control smoke and particulate matter, noise, odor, toxic matter, vibration, fire and explosion hazards, glare and heat and radiation hazards generated by or inherent in uses of land or structures.

PERGOLA: An arbor formed of horizontal trelliswork supported on columns or posts, over which vines or other plants may be trained. (Also see definition of Arbor). For the purposes of this Title, a pergola is not a fence and is an accessory structure.

PERSONAL SERVICE: Personal services include those establishments which provide advice, designs, information, commercial education, consultation, job placement, advertising, finance, insurance and real estate services, generally from an office with no on-site storage of goods. This includes all types of business offices and service-type businesses where service is basically on an individual-to-individual or firm-to-firm basis, as opposed to services which are performed on objects or personal property.

~~PLAN COMMISSION: The plan commission of the village of Oak Brook, Illinois 2 .~~

PLANNING & ZONING COMMISSION: The Planning and Zoning Commission of the Village of Oak Brook is responsible for items of Section 13-14-4 and Section 13-14-7.

~~PRESERVATION PLAN: A proposal for residential development of existing building or buildings of historical, architectural or cultural significance containing the information required in subsection 13-6-4D2 of this title.~~

~~PRESERVATION RESTRICTION: A right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land or in any order of taking, appropriate to the preservation of areas, places, buildings or structures to forbid or limit acts of demolition, alteration, use or other acts detrimental to the preservation of the areas, places, buildings or structures of historical, architectural or cultural significance.~~

~~PRESERVATION VISTA: A required open area on a lot measured from the principal structure to the lot lines or right of way, whichever is closer, within which no building or structure is permitted, except as specifically authorized pursuant to an approved preservation plan.~~

PRINCIPAL CORNERS: Not more than five (5) corners of a structure, two (2) of which are the corners having the lowest and next lowest elevations of all corners in the structure at the point where they intersect natural ground level.

~~PYROPHORIC DUST: A dust in a finely divided state in such concentration as to be combustible or explosive in air.~~

~~RADIATION HAZARDS: The deleterious and harmful effects of all ionizing radiation which shall include all radiation capable of producing ions in its passage through other matter. Such radiations shall include, but not be limited to, electromagnetic radiations such as X-rays and gamma rays and particulate radiations such as electrons or beta particles, protons, neutrons and alpha particles.~~

~~RESEARCH~~ LABORATORY: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

~~RESERVOIR PARKING SPACES: Those off street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.~~

~~RINGELMANN CHART: The chart described in the U.S. bureau of mines information circular 6888, on which are illustrated graduated shades of gray for use in estimating the light obscuring capacity of smoke and smoke density.~~

~~RINGELMANN NUMBER: The number of the area on the Ringelmann chart that coincides most nearly with the visual density of emission or the light obscuring capacity of smoke.~~

ROADWAY: That portion of a street which is used or intended to be used for the movement of vehicles.

~~SENIOR CONGREGATE LIVING: Age-restricted or age-targeted housing for ages fifty-five (55) years or older, where limited or no assistance with daily living activities is needed by the residents and a state license is not required. "Senior congregate living" is a level of senior housing between age-restricted independent living facilities and assisted living facilities. The main difference between senior congregate living and assisted living is that senior congregate living facilities do not offer assistance with daily living activities.~~

SENIOR HOUSING: A multiple-family structure containing dwelling units controlled by a public body, nonprofit corporation for persons fifty five (55) years or older. Types of projects that fall under this definition include: independent living; assisted living; senior congregate living, and residential care facilities.

SETBACK: The minimum horizontal distance between a ~~street line/~~property line, ~~required side yard or required rear yard~~ and any part of a structure or any edge of the area of operation of a principal use when no structure is involved. For single-family homes, the setback is measured between the ~~street~~ property line, ~~side yard or rear yard~~ and the outside edge of any attached structural protrusion of the structure and/or eave (excluding gutters and light fixtures).

SHORT-TERM RESIDENTIAL RENTAL: A Residential Structure, as defined herein, offered for rent for a period which does not exceed thirty (30) consecutive days. The term "Short-Term Residential Rental" shall not include hotels.

SHORT-TERM RESIDENTIAL RENTAL PROPERTY OWNER: The individual or entity which has title to the property which is the subject of a Short-Term Residential Rental.

SHOWROOM – **FINAL DEFINITION TO BE DETERMINED**

> Showroom – Any location that: (1) displays or otherwise promotes (physically or electronically) merchandise available for sale; and (2) where more than 10% of annual gross

sales (measured by dollar volume) of merchandise so displayed to patrons at such location are not subject to local Retailers Occupation Tax (as set forth in Section _____) at such location.

OR

Showroom: means any physical business establishment or facility operated by a retailer engaged in the sale of tangible personal property, whether for or not for profit, that maintains limited to no available stock or supply of the tangible property being offered by the retailer on-premises, with the purpose of facilitating or engaging in any variation of on-premises selling activities--ranging from the preparation for, and the obtaining of, orders of such to the final consummation of the sales transaction --with the target consumer through means such as, but not limited to the display, showcasing, marketing, or testing of the type of tangible property being offered and of its related counterparts.

SIGN, POLITICAL: A sign or poster concerning candidates for office, public issues or similar matters. Such signs shall not exceed six (6) square feet in size, shall not be illuminated in any manner, shall not be affixed to any public utility, pole, tree or natural object, nor be located within a public right of way, nor create a safety or sight distance problem.

SMOKE: The visible discharge from a chimney, stack vent, exhaust or combustion process which is made up of particulate matter.

~~SMOKE UNIT: The number obtained when the smoke density in the Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation: a) a Ringelmann density reading shall be made at least once a minute during the period of observation; b) each reading is then multiplied by the time in minutes during which it is observed; and c) the various products are then added together to give the total number of smoke units observed during the entire observation period.~~

SOUND LEVEL: The intensity of sound of an operation or use as measured in decibels.

SOUND LEVEL METER: An instrument standardized by the American Standards Association for the measurement of the intensity of sound.

SPECIALTY RETAIL PROGRAM: One or more of the following uses and structures, when located within designated, interior areas of a shopping center, in districts where permitted as a special use, and where authorized as a special use: a) permanent pavilions and kiosks for the preparation, sale and consumption of food and beverages, including adjacent outdoor seating; b) seasonal, portable carts (also referred to as "mobile units" or "RMUs") for the sale of prepackaged food and beverages, including adjacent outdoor seating; c) seasonal merchandising zones containing a defined number of portable carts selling primarily nonfood merchandise and packaged food gift items not intended for immediate consumption; d) defined zones for product introduction or promotional activities, such as

demonstrations and fashion shows; and e) entertainment and performance zones, including tables and chairs. "Seasonal" shall mean that weather permits the operation of the portable carts.

STABLE, PRIVATE: A private stable is any building which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

STABLE, PUBLIC: A building where horses are kept for remuneration, hire or sale.

STORY: That portion of a building, other than a cellar, included between the top surface of the next floor or roof above, except that a space used exclusively for the housing of mechanical services of the building shall not be construed to be a story if access to such space may be had only for maintenance of such services. The floor of a story may have split levels provided that there are not more than four feet (4') difference in elevation between the different levels of the floor. A basement shall be counted as a story and a mezzanine floor shall be counted as a story when it covers over one-third (1/3) of the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is twenty four feet (24') or more.

STORY ABOVE GRADE PLANE. Any *story* having its finished floor surface entirely above *grade plane*, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above *grade plane*; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three feet (3') above the floor of such story.

STREET: A permanent public or private right of way which affords a primary means of access to abutting property.

STREET FRONTAGE: All of the property fronting on one side of a street between two (2) intersecting streets, or in the case of a dead end street, all of the property along one side of the street between an intersecting street and the end of such dead end street.

STREET, INTERNAL: A street not located along the exterior boundaries of a planned development.

STREET LINE: The street right of way line.

STRUCTURAL ALTERATION: Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders; or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, buildings, signs and pavements.

STRUCTURE HEIGHT: ~~The height of a structure as measured from a base elevation determined by averaging the elevations of the principal corners in the perimeter wall of the structure at natural ground level to the highest point of the structure.~~ See section 13-3-8 of this title.

~~THREE COMPONENT MEASURING SYSTEM: Instruments which measure simultaneously earthborne vibrations in horizontal and vertical planes.~~

~~TOWNHOME: A one-family dwelling unit, with a private entrance, which is part of a structure which contains three (3) or more dwelling units which are attached horizontally.~~

~~TOWNHOUSE, GROUP, ROW OR GARDEN APARTMENT: A. A dwelling joined to two (2) other dwellings by party walls, vertical cavity walls, or aboveground physically unifying horizontal structural elements;~~

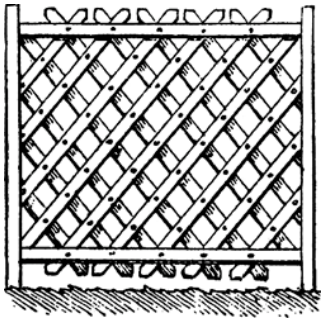
~~B. A dwelling joined to one other dwelling by a party wall, and aboveground physically unifying horizontal structural elements.~~

TOWNHOME OR TOWNHOUSE (Attached Dwelling): A multiple family dwelling designed and constructed to accommodate three (3) or more dwelling units, with those units joined together by party walls or walls. Each unit shall have its own ground floor entrance and living space.

~~TOXIC MATTER: Those materials which are capable of causing injury to living organisms by chemical means.~~

TRAILER: A vehicle or portable structure which may be used as a conveyance on streets and highways by attachment to a motor vehicle.

TRELLIS: A framework of light wooden or metal bars, chiefly used as a landscape structure to support for fruit trees or climbing plants. For the purposes of this Title, a trellis is an accessory structure and is not a fence. Freestanding trellis' shall not exceed six feet (6') in height and ten feet (10') in length.



Trellis

USE: The purpose of activity for which the land and structures thereon is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any

manner of performance of such activity with respect to the performance standards of this title.

USE, LAWFUL: The use of any structure or land that conforms with all of the regulations of this title or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this title or any amendment thereto, for the structure or land that is being examined.

USE, PERMITTED: A use which is or may be lawfully established in a particular district provided it conforms with all requirements, regulations, and when applicable, performance standards of this title for the district in which such use is located.

USE, PRINCIPAL: The dominant use of land or structures as distinguished from a subordinate or accessory use.

USE, SPECIAL: A use that has unusual operational, physical or other characteristics that may be different from those of the predominant permitted uses in a district, but which is a use that complements and is otherwise, or can be made, compatible with the intended overall development within a district. Compliance with special standards not necessarily applicable to other permitted uses or special uses in the district shall be required for a special use, as regulated in this title.

VEHICLE: Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway except for devices moved by human power or used exclusively upon stationary rails or tracks.

VIBRATION: The periodic displacement, measured in inches, of earth at designated frequency cycles per second.

VILLAGE: The village of Oak Brook, Illinois.

VILLAGE CLERK: The village clerk of the village of Oak Brook, Illinois.

VILLAGE ENGINEER: The official of the village, duly appointed and designated as the village engineer.

VILLAGE PRESIDENT: The village president of the village of Oak Brook, Illinois.

WET DRAINAGEWAY: Any stream, creek, brook, branch, natural or artificial depression, slough, gulch, reservoir, lake, pond or natural or manmade drainageway in, or into which, stormwater runoff or floodwaters flow regularly.

YARD: A required open area on a lot which is unobstructed from its lowest level to the sky, except as otherwise provided in this title.

YARD ADJOINING A STREET, SIDE: A yard which is bounded by the front yard line, side yard adjoining a street line, rear yard line and side lot line adjoining a street.

YARD, FRONT: A yard which is bounded by the side lot lines, front lot line and the front yard line.

YARD, INTERIOR SIDE: A side yard which adjoins another lot or an alley separating such side yard from another lot.

YARD LINE, FRONT: A line in a lot that is parallel to the front lot line and which is not nearer to the front lot line at any point than the required front yard depth.

YARD LINE, REAR: A line in a lot that is parallel to the rear lot line and which is not nearer to the rear lot line at any point than the required rear yard depth. However, in the case of irregular or triangle shaped lots, the rear yard line location shall be formed by an arc originating at the corner point as defined in this section.

YARD LINE, SIDE: A line in a lot that is parallel to the side lot line and which is not nearer to the side lot line at any point than the required side yard depth.

YARD, REAR: A yard which is bounded by side lot lines, rear lot line and the rear yard line. In the case of irregular or triangle shaped lots, the rear yard dimension shall be determined by an arc originating at the corner point as defined in this section.

YARD, SIDE: A yard which is bounded by the rear yard line, front yard line, side yard line and side lot line.

~~ZONING BOARD OF APPEALS: The zoning board of appeals of the village of Oak Brook, Illinois, as created in this code 3 .~~

~~ZONING COMMISSION: The zoning commission of the village of Oak Brook, Illinois.~~

ZONING DISTRICT MAP: The zoning district map of the village of Oak Brook, Illinois.

ZONING DISTRICTS: The districts into which the village of Oak Brook, Illinois, has been divided as set forth on the zoning district map, for the purpose of zoning regulations and requirements. (Ord. G-60, 3-22-1966; Ord. G-135, 6-22-1971; Ord. G-142, 1-25-1972; Ord. G-178, 12-9-1975; Ord. G-180, 4-13-1976; Ord. G-203, 12-14-1976; Ord. G-215, 4-26-1977; Ord. G-233, 5-31-1978; Ord. G-305, 9-8-1981; Ord. G-328, 8-24-1982; Ord. G-420, 12-13-1988; Ord. G-448, 7-10-1990; Ord. G-449, 8-14-1990; Ord. G-510, 6-8-1993; Ord. G-518, 8-10-1993; Ord. G-695, 3-26-2002; Ord. G-721, 6-10-2003; Ord. G-733, 11-11-2003; Ord. G-903, 11-10-2009; Ord. G-916, 1-12-2010; Ord. G-934, 9-28-2010; Ord. G-989, 1-22-2013; Ord. S-1559, 2-12-2019; Ord. G-1227, 1-24-2023)

~~Notes~~

~~1~~ ~~1. See Title 14 of this Code.~~

~~2~~ ~~1. See title 2, chapter 1 of this code.~~

~~3 1. See title 2, chapter 8 of this code.~~

CHAPTER 3
GENERAL ZONING PROVISIONS

SECTION:

13-3-1: Control Over Use

13-3-2: Control Over Bulk

13-3-3: Lot Requirements

13-3-4: Yards

13-3-5: Setbacks Along Streets

13-3-6: Accessory Uses And Structures

13-3-7: Trailers, Boats And Habitable Vehicles

13-3-8: Structure Height

13-3-9: Public Utilities

13-3-10: Performance Standards

13-3-11: Mechanical Equipment To Be Screened

13-3-12: Access

13-3-13: Property Abutting Or Adjoining Conservation/Recreation District

13-3-14: Driveway Gates

13-3-15: Permanent Entryway Canopies

13-3-16: Portable Storage Units

13-3-17: Fence Regulations

13-3-18: Prohibited Uses

13-3-1~~8~~9: Cannabis Business Establishments Prohibited

13-3-1: CONTROL OVER USE:

A. The use of land and the erection, alteration and use of structures shall be limited to:

1. Uses lawfully established on the effective date of this title, subject to the regulations set forth in chapter 14 of this title.

2. Permitted uses or special uses permitted in the zoning district in which the land or structure is located.

Subject to the above limitations, no building or land shall be used, and no building shall be erected or altered for any purposes other than permitted in the zoning district in which the land or structure is located.

B. Where a use which is classified as a special use by this title exists as of the date of the first zoning ordinance for the village, it shall be considered to be a lawful special use.

C. Where a building permit for a structure has been issued in accordance with law prior to the effective date of this title and where construction has begun not more than six (6) months after such effective date and is being prosecuted to completion, said structure may be completed in accordance with such building permit and may be occupied upon completion under a certificate of occupancy for the use originally designated, subject to the provisions of chapter 13 of this title. (Ord. G-678, 6-26-2001)

13-3-2: CONTROL OVER BULK:

A. New and existing structures shall not be enlarged, constructed, reconstructed, structurally altered, converted or relocated in such a manner as to conflict with the bulk regulations for the district in which such structures are located except as provided for in this section or provided by relief granted pursuant to the provisions of chapter 14 of this title.

B. The provisions of this section shall apply to vacant lots and lots with existing dwellings in residential zoning districts.

C. Existing residential zoning district lots of record at the effective date of the first zoning ordinance of the village (ordinance G-60 adopted on March 22, 1966), or upon annexation shall have side yards of ten percent (10%) of the lot width or the side yard requirements of the underlying zoning district, whichever is less.

Required side yards shall be not less than ten feet (10') in depth; except a side yard may be not less than eight feet (8'), provided the adjoining lot contains a dwelling with an attached garage or carport adjacent to such side yard.

Where, due to existing building eaves, such lots have a legally established side yard(s) less than ten percent (10%) of lot width, second floor additions, in-line additions to the front or rear, and repair of the structures, continuing such eave setbacks are permitted.

D. A lot in a residence district at the effective date of the first zoning ordinance of the village (ordinance G-60 adopted March 22, 1966), which is not a lot of record but which is

able to meet the requirements of this title as to lot area and width may be used for a single-family detached dwelling; provided, it shall meet all the other requirements of this title with the following additional requirements:

1. A plat of subdivision or an assessment plat will be recorded prior to the issuance of a building permit. The subdivision regulations 1 set forth the requirements pertaining to such plats.

E. A lot in a residence district at the effective date of the first zoning ordinance of the village (ordinance G-60 adopted March 22, 1966), which is not a lot of record and which is unable to meet the requirements of this title as to lot area or width may be used for a single-family detached dwelling; provided, it shall meet all the other requirements of this title with the following additional requirements:

1. The applicant shall furnish, with the application for a building permit, a survey by a duly licensed land surveyor, showing the lot upon which the applicant proposes to erect a single-family detached dwelling and also showing all lots adjacent to said lot with all improvements thereon and widths of the adjoining yards and any projections of structures therein duly plotted on said survey.

2. The applicant shall furnish an affidavit on the following form signed by the owner of record of the lot described in the application for a building permit:

STATE OF ILLINOIS:
COUNTY OF:

LOT OWNERSHIP AFFIDAVIT

Dated:
At:

TO: Director of ~~Community~~ Development Services
Village of Oak Brook

depose(s), and state(s) as follows:

1. That the title holder of record of the premises commonly known as Oak Brook, Illinois, and legally described as follows: (Insert Legal Description)

(Name of Title Holder)having acquired title on_____ and have held title continuously since said date.

2. (To be answered only if title holder of record is a corporation or a trust.) (Strike out portions that are not applicable.)

Corporation:

That your affiant is the (president, vice-president, secretary, treasurer) of the title holder of record and has full knowledge of the facts set forth in this affidavit and is authorized to make this affidavit.

Trust:

That your affiant holds a beneficial interest in and to the aforesaid trust, has full knowledge of the facts herein set forth and has full authority to make this affidavit.

3. That an application has been or will be filed for a building permit to erect a building or structure upon the land above legally described.

4. That neither the applicant nor any of his/her predecessors in title have owned any right, title or interest, directly or indirectly, or by any person, firm, corporation or trust, or by any officer, shareholder, director, partner, beneficiary, agent or immediate relative thereof who also holds any right, title or interest directly or indirectly, in or to any of the contiguous lot(s) within a period of ten years prior to the date of the application for a building permit or certificate for buildable site as to zoning, except:

5. That the following are the facts existing as to the lots adjoining and contiguous on all sides of the land as described in paragraph 1:

a. That none of the adjoining and contiguous lots are vacant and unimproved, except:

b. That none of the adjoining and contiguous lots have land in addition to its required side yards and required lot area under the Oak Brook Zoning Ordinance that could be added to the aforedescribed lot, thereby adding to the amount of land available for the subject lot, except:

and said additional land could not be acquired because:

6. That this affidavit is given to induce the Village of Oak Brook to issue a (building permit or certificate of buildable site as to zoning) for the above described premises.

7. Further your affiant sayeth not, except:

SUBSCRIBED AND SWORN
to before me this
*day of*_____ .

Notary Public

3. The ~~d~~Director of ~~community d~~Development Services shall issue a permit for erecting a single-family detached dwelling on the subject lot upon compliance with all of the foregoing provisions and all other applicable provisions of this title, with each required interior side yard reduced to not less than ten percent (10%) of the width of the lot, or the side yard requirement of the underlying zoning district, whichever is less, if all of the below enumerated requirements are met:

a. The subject lot:

(1) Is not adjoining and contiguous to a vacant lot on any side held under common ownership at any time after the year 1966; or

(2) Is not contiguous to an improved lot of record which has one foot (1') or more of an adjoining side yard in excess of the minimum required side yard for the district in which the building or structure is located, which additional side yard land could physically be added to the applicant's lot to increase its width or area or that the owners of the adjoining lots refuse to sell any portion of land that could be added to the applicant's lot to increase the width thereof without reducing the required side yards of the adjoining lots and which additional land the applicant would be willing to purchase; and

(3) Is not owned and has not been owned directly or indirectly or by a nominee of any person, or by an officer, shareholder, director, partner, beneficiary, agent or person related by blood or marriage or by any predecessors in title who also held or hold any right, title or interest in or to either one or both of the contiguous lots after the year 1966 to the date of application for a building permit.

b. Interior side yards shall not be less than ten feet (10') in depth except a side yard may be not less than eight feet (8') provided, the adjoining lot contains a dwelling with an attached garage or carport adjacent to such side yard.

c. The contiguous lots are not owned and have not been owned directly or indirectly or by a nominee of any person or by any officer, shareholder, director, partner, beneficiary, agent or person related by blood or marriage or by person related by blood or marriage or by any predecessors in title, who also held or hold any right, title or interest, directly or indirectly, in the applicant's lot after the year 1966 to the date of the application for a building permit.

d. The subject lot was not used as part of a single or common homesite by or with the consent of the same interests which owned or controlled an adjoining lot after the year 1966 to the date of application for a building permit.

e. In the event that a subdivision plat or an assessment plat has not been recorded, one will be required prior to the issuance of the building permit.

4. In the event that the owner is unable to meet all of the aforesaid additional requirements for a building permit, or for a lot which cannot meet the minimum lot width and lot area of a lot of record, or in the event that the owner either desires to sell or to buy from the owners of a contiguous lot or lots who also desire to either sell or buy, but the parties are unable to agree on a price, then the zoning board of appeals may recommend, and the village president and board of trustees may grant such relief in accordance with the procedures as set forth in this title for variations as deemed appropriate.

5. In no case, shall a contiguous lot from which property is being acquired be made nonconforming or more nonconforming without the necessary approvals in accordance

with the procedures as set forth in this title. Plats of resubdivision or revised assessment plats shall be required for such properties.

~~F~~6. Notwithstanding anything contained in this title to the contrary, in the event at any time subsequent to January 1, 1995, private property is dedicated or conveyed to a governmental entity or condemned by a governmental entity (including, without limitation, the Illinois state toll highway authority) for the purpose of widening the public right of way or providing public roadway infrastructure (including, without limitation, right of way for roadway entry or exit ramps), the calculation of floor area ratio shall at all times include within the measurement of the area of the lot in question the area so dedicated, conveyed or condemned, provided that not more than twenty percent (20%) of the lot has been so dedicated, conveyed or condemned, and provided further that a site plan generally accommodating such a dedication, conveyance or condemnation has been reviewed and approved by the village. (Ord. G-678, 6-26-2001)

~~Notes~~

~~1 1. See title 14 of this code.~~

13-3-3: LOT REQUIREMENTS:

A. Buildings On A Lot:

1. On single-family detached residence district lots with permitted uses, there shall be not more than one principal building.

2. In the event that more than one lot of record is necessary to satisfy the requirements of this title, a notice of encumbrance shall be recorded with the office of the county recorder of deeds against all affected lots of record prior to the issuance of any building permit.

B. Lot Divisions: No lot containing a use or structure shall hereafter be divided in order to secure one or more additional lots unless each lot resulting from such division, and including also the lot containing the use or structure, shall have the minimum lot area and lot width as required in this title for the district in which the lot is located and complies with the subdivision regulations of the village 1 . (Ord. G-678, 6-26-2001)

~~Notes~~

~~1 1. See title 14 of this code.~~

13-3-4: YARDS:

A. Yards and other open spaces as required by this title shall be located on the same lot as the principal use or structure, and shall have not less than the minimum depth or area as required in this title for the district in which such use or structure is located, except as otherwise provided for setbacks.

B. On vacant through lots, the front lot line shall be along the street line designated by the ~~d~~Director of ~~community d~~Development Services, except that when a front lot line has been established on one or more lots in the same block and all have front lot lines established along the same street line, the street line designated as the front lot line for such lot or lots shall be the front lot line on all vacant through lots in such block. On through lots, only those uses and structures permitted by this title in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard.

C. No legally required yards, open space, or lot area for any use or structure shall be used to satisfy yard, open space or lot area requirements for any other structure or use.

D. No yards allocated to a use or structure existing on the effective date of this title shall be subsequently reduced or further reduced below the yard requirements of this title, except a yard adjoining a street may be reduced in depth in the event and to the extent the right of way width of such street adjoining such yard is subsequently increased. In the event that the width of the right-of-way is increased, the original required yard and setback requirements, - at the time of construction- are not modified for the life of any legally existing structure or portion thereof.

E. Front yards of corner lots may be designated by the owner, provided such yard abuts a street. (Ord. G-678, 6-26-2001)

13-3-5: SETBACKS ALONG STREETS:

Minimum setbacks on lots abutting a street shall be as required for yards in the district in which they are located and shall be measured from the street line, or from the proposed street line if one has been designated on the official map. Notwithstanding anything contained in this title to the contrary, in the event at any time subsequent to January 1, 1995, private property is dedicated or conveyed to a governmental entity or condemned by a governmental entity (including, without limitation, the Illinois state toll highway authority) for the purpose of widening the public right of way or providing public roadway infrastructure (including, without limitation, right of way for roadway entry or exit ramps), the calculation of minimum setbacks and minimum required yards shall at all times be measured from the street line which existed prior to such dedication, conveyance or condemnation~~, provided that not more than twenty percent (20%) of the lot has been so dedicated, conveyed or condemned, and~~ provided that any newly constructed buildings establish minimum setbacks and minimum required yards on the affected lot (as

measured from the new lot line created as a result of said dedication, conveyance, or condemnation) which, at a minimum, equal at least fifty percent (50%) of the minimum setback and minimum required yard which would be required in the absence of this condemnation mitigation provision, and provided further that a site plan generally accommodating such a dedication, conveyance or condemnation has been reviewed and approved by the village board of trustees. (Ord. G-977, 8-14-2012)

13-3-6: ACCESSORY USES AND STRUCTURES:

A. Authorization Of Accessory Uses And Structures:

1. Is subordinate in extent and purpose to, and serves, a principal structure or use;

2. Is customarily found as incidental to such principal structure or use;

3. Contributes to the comfort, convenience, or necessity of those occupying or being served by the principal use;

4. Except as otherwise expressly authorized by the provisions of this code, is located on the same zoning lot as such principal structure or use; and

5. Is under the same ownership and control as such principal structure or use.

B. General Regulations:

1. Accessory uses and structures shall be compatible with the principal use and shall not be established prior to the establishment of the principal use. No accessory building or structure shall be constructed on any lot prior to the construction of the principal building to which it is accessory.

2. Accessory uses shall not include the keeping, propagation or culture of pigeons, poultry, rabbits, bees, livestock or other non-household animals for profit, except on such lots where the pursuit of agriculture is a permitted principal or accessory use.

3. Except as otherwise regulated for specific principal uses, an accessory structure hereafter erected, altered, enlarged or moved in a lot shall conform with the following:

a. A detached accessory building shall not be nearer than ten feet (10') from the nearest wall of the principal structure.

b. An accessory structure shall not be located in any required yard abutting a street, except in rear yards where they adjoin a thoroughfare and are screened by opaque landscaping expected to reach the height of the applicable structure at full maturity.

c. Accessory uses and structures shall not be located, erected, or altered in required yards, except as provided in subsections B3d, B3g, and D of this section.

d. Detached accessory structures in a required rear yard in a residential district shall:

(1) Be not more than fifteen feet (15') in height except for detached garages that are not constructed with a continuous flat roof (see subsection B3g of this section for detached garage heights).

(2) Cover not more than thirty percent (30%) of the required rear yard (this includes, patios, pools, sheds, garages, accessory living units, pool houses, sports courts, etc.).

(3) Detached accessory structures equal to or less than one hundred twenty (120) square feet in total area shall be located at least five feet (5') from the side or rear lot line. Detached accessory structures greater than one hundred twenty (120) square feet in total area shall be located at least ten feet (10') from a side and rear lot line.

(4) Floor Area: The aggregate floor area of all accessory buildings shall not exceed thirty percent (30%) of the first floor area of the principal building (as measured by GLA ANSI or equivalent).

e. Detached accessory buildings and structures shall not be constructed between the front lot line and the front of the principal building on the lot (except as provided for in subsection B3f).

f. Accessory structures which otherwise are only permitted in required rear yards shall not be constructed within the buildable area between the principal structure and adjacent streets along the front or side lot lines unless a setback equal to double the required front or side yard setback is maintained from the front or side yard lot line to such accessory structure.

g. Detached garages, that are not constructed with a continuous flat roof, constructed in the "buildable" area of a lot will be permitted to be built to the same height as the principal structure. However, detached garages constructed in a required rear yard of a single-family home shall be limited to the following heights:

R1 district: Twenty five feet (25').

R2 district (lots 1 acre or larger): Twenty two and one-half feet (22.5').

R2 district (lots less than 1 acre) and R3 district: Twenty feet (20').

R4 district: Seventeen and one-half feet (17.5').

Any detached garage located in a required rear yard, that is over fifteen feet (15') in height, shall be required to increase the setback one foot (1') for every one foot (1') of increased height over fifteen feet (15'). Detached garages constructed with a continuous flat roof will be limited to a maximum height of fifteen feet (15').

C. Accessory Living Unit:

1. An accessory living unit is a detached accessory building that provides living space in a location other than the principal residence. An accessory living unit may be located in a pool house, detached garage, or other similar accessory building or structure.

2. Accessory living units are not permitted in the Business or Office Districts, or the R-2, R-3, R-4, or R-5 Districts.

3. Only one (1) accessory living unit is permitted per zoning lot in the R-1 District.

4. An accessory living unit originally constructed before January 24, 2023 is permitted. An expansion to an accessory living unit constructed prior to January 24, 2023 shall require a permit and shall comply with these standards. An expansion is considered additional floor area, modifications to room sizes, removal of walls and significant electrical or plumbing work that otherwise modifies the intended use of the dwelling unit.

5. No accessory living unit shall be modified to increase the number of dwelling units.

6. The construction of a new accessory living unit shall require the installation of fire sprinklers in accordance with applicable residential building code regulations.

7. An accessory building containing an accessory living unit shall be similar in architectural style and building materials to the principal use structure.

D. Permitted In Required Yards: Accessory uses and structures are permitted in required yards as follows with the following designations (and subject to the other provisions of this Code):

F = Yards adjoining streets

S = Interior side yards

R = Rear yards

	F	S	R
Arbors ~~or trellises~~, ~~where trellises are~~ or pergolas not attached to the principal structure	X	X	X
Accessory living unit			X

Commercial awnings or canopies, projecting not more than 15 feet into the required yards	X	X	X
Fallout shelters, detached			X
Fire escapes, open and enclosed or fire towers, not encroaching more than 5 feet, except 3.5 feet into a required interior side yard	X	X	X
Firewood storage 5 feet from property line			X
Garages or carports, detached			X
Gates, driveway (as regulated in Title 13)	X	X	
Growing of garden crops in the open		X	X
HVAC equipment including air condition units, not less than 12 feet from designated lot lines, subject to screening requirements of Title 13		X	X
Lawn furniture, such garden structures as benches, sundials, ~~birdbaths, and~~ fountains and water features	X	X	X
Open off street loading spaces			X
Open off street parking spaces, may be permitted in a required yard adjoining a street, as regulated in this title		X	X
Ornamental light standards	X	X	X
~~Terraces, p~~Patios, outdoor kitchens, and outdoor fireplaces			X
Playground and laundry drying equipment			X
Pool heaters, not less than 12 feet from designated lot lines, subject to screening requirements of Title 13.		X	X
Pool House (Accessory building)			X
Residential Awnings or canopies, projecting not more than 3 feet into the required yards	X	X	X
Sheds and storage structures for garden equipment and household items			X
Signs and nameplates	X	X	X
Solar panels (photovoltaic or thermal collectors) not less than 12 feet from designated lot lines.			X
Steps and/ or required egress ramps, open	X	X	X
Swimming pools			X
Tennis courts, sports courts			X

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Trees, shrubs and other plants, except: ~~on corner lots where no such material shall be permitted to obstruct a clear path of motorists' vision of approaching vehicles within the area enclosed by any 2 intersecting curb lines or edges of pavement, as extended to their point of intersection if necessary, whichever is applicable, and a straight line connecting those 2 lines at points 60 feet from their point of intersection~~ 1) Where such plants obstruct Intersection Sight Distance as required by Bureau of Local Roads and Streets Manual, Chapter 28 And/or 2) As required by 425 ILCS 20 No object shall be constructed, maintained or installed within 48 inches of a fire hydrant. It shall be unlawful to install, maintain, construct or enlarge any barriers, trees, bushes, walls, or other obstacles which may hide or impede the use of a fire hydrant.	X	X	X
Trellises-Only allowed within the buildable area of the lot			
Wind energy systems- ground mounted in business and office districts only		X	X

(Ord. G-678, 6-26-2001; Ord. G-712, 1-14-2003; Ord. G-728, 8-12-2003; Ord. G-740, 2-10-2004; Ord. G-1021, 3-11-2014; Ord. G-1227, 1-24-2023)

13-3-7: TRAILERS, BOATS AND HABITABLE VEHICLES:

A. Trailers and vehicles shall not be permitted in any district as principal or accessory structures on a lot.

B. Outdoor storage in residential districts of h~~H~~abitable vehicles, utility trailers, horse trailers, boats on boat trailers or blocks, and other trailers shall ~~not be parked or stored in any required yard or in the open on any lot, except when permitted in this title, or in the operations of a lawfully established trailer or, habitable vehicle sales or manufacturing establishment~~
comply with the regulations in Chapter 6, Section 13-6-3, Regulations Applicable to All Residence Districts; provided no major repair, disassembly, or rebuilding operations are conducted thereon; and provided that no habitable vehicle so stored may be occupied.

C. Outdoor storage in commercial districts of ~~One~~ habitable vehicles, ~~and one~~ utility trailers, horse trailers, ~~or one~~ boats on a boat trailer or blocks, or one other trailers, ~~owned~~

~~by the occupant of the dwelling, may be stored or parked only to the rear of said dwelling and not within any required side yard or rear yard of a lot containing a single-family detached dwelling; provided no major repair, disassembly, or rebuilding operations are conducted thereon; and provided that no habitable vehicle so stored may be occupied~~ shall not be parked or stored in any required yard or in the open on any lot, except when permitted in this title, or in the operations of a lawfully established trailer or, habitable vehicle sales or manufacturing establishment.

~~D. A habitable vehicle may be parked or stored in the driveway on property within the zoning jurisdiction of the village for a period of three (3) consecutive days without permit, and may be occupied during such period. Thereafter such a vehicle may be parked only after issuance of a permit by the director of community development permitting such parking. Such a permit may be issued by the director for the following purposes if the proposed use is consistent with the purposes of this title:~~

D. ~~1. For~~ pParking of habitable vehicles for use as temporary office or storage space incidental to and only for the period of time of construction of a building or series of buildings, provided such habitable vehicles are located on the same lot or contiguous lots to the building or series of buildings.

E. ~~2. For p~~Parking and occupancy of a vehicle on a lot containing a dwelling for a period not to exceed ten (10) days in any consecutive thirty (30) day period shall be permitted, ~~and~~ only if the location of said habitable vehicle on such lot does not violate the provisions of this title in relation to the placement of structures on such lot~~;. except that s~~Such temporary parking shall be permitted on existing driveways notwithstanding that said driveway may be in a side yard. (Ord. G-678, 6-26-2001)

13-3-8: STRUCTURE HEIGHT:

A. No structure shall be erected, converted, expanded, reconstructed or structurally altered to exceed the height limit measured above the natural ground level, as determined by the village engineer, for the district in which the structure is located. However, this height limit for skylights, steeples, flagpoles, chimneys, radio and television aerials, wireless masts, or electric and telephone service poles anywhere in the village; and mechanical rooms, penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, towers, water tanks, or elevators or other appurtenances anywhere in the village except residential districts, shall be thirty feet (30') above the height limits of the district in which they are located and shall be for ornamental purposes only and shall in no event be occupied. Structure height may be measured from a base elevation other than natural ground level only with the express approval of the village. However, an elevator housing enclosure for the purpose of providing a single elevator access to the penthouse level not to exceed three hundred twenty five (325) square feet in area may be erected to heights which do not exceed by more than twenty two feet (22') the height limits of the district in which it is located.

B. The height of single-family homes will be measured to the peak of the roof using one of the following methods:

1. In engineered subdivisions, as determined by the village engineer, the height will be measured using the recommended top of foundation elevation that is part of the approved grading plan;

2. In all other situations, the village engineer shall determine an elevation, from which the height will be measured, based on the existing grades and grades of adjacent properties;

3. For lots improved with an existing single-family home, the existing top of foundation elevation can be maintained and will be used as the base to measure the height of the structure.

C. The height limit, as it pertains to all other structures, shall not exceed the height limit above natural ground level established for the district in which the structure is located. (Ord. G-678, 6-26-2001; Ord. G-730, 9-23-2003; Ord. G-733, 11-11-2003; Ord. G-778, 4-26-2005)

13-3-9: PUBLIC UTILITIES:

The following public utility uses are permitted in any district: wires, cables, conduit, vaults, laterals, pipes, mains and valves, public warning devices, microcells or other similar transmission and distributing equipment (not including cellular telephone towers and ancillary equipment), provided that the installation and location thereof shall conform with the rules and regulations of applicable administrative authorities and ordinances of the village (See Title 6). ~~Microcells shall include a wireless communication facility consisting of an antenna that is either: a) four feet (4') in height and with an area of not more than five hundred eighty (580) square inches, or b) if a tubular antenna, no more than four inches (4") in diameter and no more than six feet (6') in length in the associated equipment cabinet that is six feet (6') or less in height and no more than forty eight (48) square feet in floor area. (Ord. G-678, 6-26-2001)~~

13-3-10: PERFORMANCE STANDARDS:

~~Any use established in any zoning district shall be operated so as to comply with the performance standard regulations prescribed in subsection A of this section.~~

The performance standards set forth in this Section are designed to protect the health, safety, and welfare of the residents of the Village of Oak Brook and to protect, maintain, and enhance the quality of the man-made and natural environments of the Village. All new and existing uses established within the Village shall comply with the performance standards set forth in this Article, unless any federal, state, county or local ordinance law

or regulations established are more restrictive, in which event the more restrictive standard shall apply. Uses already established on the effective date of this ordinance shall be allowed to be altered, enlarged, expanded, or modified, provided that any such additions or changes comply with the performance standards set forth in this Section.

A. Noise:

1. Sound Levels: Sounds levels shall be measured with a sound level meter manufactured according to standards prescribed by the American National Standards Institute (ANSI). Measurements shall be made using a digital decibel meter. Impulse type noises shall be subject to the performance standards prescribed in this subsection A, provided that such noises shall be capable of being accurately measured. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. At any point on or beyond the boundary line of the district designated below, the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this subsection A, such as the operation of motor vehicles or other transportation facilities) shall not exceed the decibel limits in the table below:

SOUND/NOISE LEVEL TABLE

Time Of Day	Maximum Permitted Decibel (dBA) Levels		
	Residential	Commercial	Industrial
Between 7:00 A.M. and 7:00 P.M.	65 dBA	70 dBA	70 dBA
Between 7:00 P.M. and 7:00 A.M.	55 dBA	60 dBA	65 dBA

2. General Requirements:

a. Sound Measurement Setback Requirement: All sound measurement readings must be set up not less than twenty five feet (25') (7.6 meters) from the property line noise source. The twenty five foot (25') (7.6 meter) setback requirement is from the noise source and not the property line unless the noise source is contiguous to the property line.

b. Exempt Activities: Activities exempt from these provisions include the operation of motor vehicles or other transportation facilities; snow removal equipment; church bells/chimes; residential air conditioning units (installed and operating in accordance to manufacturer's specifications).

c. Unnecessary Noise Standards: The following activities are declared to be loud, disturbing and unnecessary noises in violation of this subsection A:

(1) Horns And Signaling Devices: The sounding of any horn or signaling device on any automobile or other motor vehicle on any street or public place of the village except as a danger warning.

(2) Animals Or Birds: The keeping of any animal or bird which, by causing frequent or continued noise, shall disturb the comfort or repose of any persons in the vicinity.

(3) Exhausts: The discharge into the open air of the exhaust of any engine, stationary combustion machine, generator, motorboat or motor vehicle except through a muffler or other device, which will effectively prevent loud noises therefrom. The use of emergency generators and other backup power sources would not apply to reasonable use during an emergency situation or during testing.

(4) Loading: The creation of loud and excessive noise in connection with the loading or unloading of any vehicles.

d. Additional Requirements; Lawn Mowing/Maintenance: It shall be unlawful to cause or make loud noise through the operation of lawn maintenance equipment including, but not limited to, lawn mowers, lawn blowers and tractors before seven o'clock (7:00) A.M. and after dusk on any day during the week. This restriction shall not apply to golf course, park district or forest preserve maintenance operations.

B. Other Performance Standards: Any use established in the various residence and business districts shall be operated so as to comply with the performance standard regulations set forth in section 13-10-3 of this title. (Ord. G-678, 6-26-2001; Ord. G-863, 7-22-2008)

13-3-11: MECHANICAL EQUIPMENT TO BE SCREENED:

~~All heating, air conditioning, ventilating, or other mechanical equipment located on the roof of any nonresidential structure in any residential, business or office-research-assembly district shall be screened on all sides or enclosed in such a manner consistent with the design and materials found on the principal building as to mask such equipment. (Ord. G-678, 6-26-2001)~~

All exterior equipment (i.e. HVAC, generators, pool equipment or other mechanical equipment) in all districts is required to be visually screened. (See 2801.2)

13-3-12: ACCESS:

All publicly dedicated rights of way for roadway or highway purposes or any land used, by easement or other means, for vehicular access which may be developed in any zoning district in the village, shall meet all requirements of the subdivision regulations of the village 1 . Where such access may be developed as part of a larger, continuous, regional street system, or where it may serve a subdivision located in part outside the corporate limits of the village, the design of said system shall be reviewed in accordance with the applicable provisions of all governing ordinances and shall be subject to all required public hearings and meetings before the plan commission, zoning board of appeals and village president and board of trustees prior to development. (Ord. G-678, 6-26-2001)

~~Notes~~

~~1 1. See title 14 of this code.~~

13-3-13: PROPERTY ABUTTING OR ADJOINING CONSERVATION/RECREATION DISTRICT:

All provisions in this title, as amended, which pertain to property abutting or adjoining a residence district shall be equally applicable to property abutting or adjoining any property zoned CR conservation/recreation district. (Ord. G-678, 6-26-2001)

13-3-14: DRIVEWAY GATES:

Driveway gates are permitted as accessory structures in required front yards, or side yards adjoining a street; provided that they conform with the following criteria:

A. Required Acreage: No driveway gate may be installed on a lot of less than two (2) acres, unless the front yard of said lot abuts a thoroughfare 1 . Any driveway gate previously approved and constructed in accordance with applicable law at that time shall be treated as a permitted and legally conforming use.

B. Direction Of Swing: Driveway gates shall not swing outward from the property.

C. Width: The minimum width for a gate structure shall be twelve feet (12') for opening the gate. All driveway gates shall be greater than fifty percent (50%) open in design when viewed from a ninety degree (90°) angle, except that this required open space in louver type gates may be viewed from any angle, and excluding metal gates with more than seventy five percent (75%) of its surface area open space.

D. Location Of Gates: Gates shall be located a minimum distance of twenty feet (20') from the nearest edge of pavement on local residential streets and thirty feet (30') from the nearest edge of pavement on all other streets including all thoroughfares and collectors (reference the Oak Brook transportation plan phase II report dated January 1971), to allow adequate room for vehicular access to the property. (Ord. G-678, 6-26-2001; Ord. G-741, 2-10-2004)

~~Notes~~

~~1 2. See section 14-2-2 of this code.~~

13-3-15: PERMANENT ENTRYWAY CANOPIES:

Permanent entryway canopies to provide weather protection for persons being dropped off or picked up may be erected in required front and corner lot side yards for churches and hotel, restaurant and office use buildings permitted by this title, subject to the following conditions:

A. The required yard must be one hundred feet (100') or more in depth;

B. The area of the encroachment is limited to a maximum of six hundred (600) square feet;

C. The maximum depth of the encroachment into the required yard is thirty feet (30');

D. The minimum clearance for a canopy above a driveway or parking area shall be not less than fourteen and one-half feet (14.5'); and

E. The maximum height of the canopy is eighteen feet (18'). (Ord. G-678, 6-26-2001)

13-3-16: PORTABLE STORAGE UNITS:

A. For purposes of this section, a "portable storage unit" is defined as an enclosed container that is delivered to a private property and is normally used for the short term storage of items and materials associated with a move into or from the principal use of the property.

B. The following regulations shall apply to portable storage units:

1. No more than two (2) portable storage units shall be permitted on a property.

2. Stacking of portable storage units is prohibited.

3. Any property where a portable storage unit is located must be occupied by a principal use or dwelling.

4. No portable storage unit may remain on a property for more than fifteen (15) consecutive days. An additional fifteen (15) day period may be approved by the ~~department of community d~~Development Services department for cause. Special circumstances allowing for longer periods of time may be determined by the ~~d~~Director of ~~community d~~Development Services.

5. A portable storage unit on residential property shall not exceed sixteen feet (16') in length. A portable storage unit on nonresidential property shall not exceed forty feet (40') in length.

6. Portable storage units shall be placed on the driveway or other paved surface on the property.

7. The portable storage unit shall not be located closer than ten feet (10') from the principal structure on the property.

8. The portable storage unit shall not be used to store hazardous materials or flammable liquids.

9. Portable storage units shall not be placed on public property or permitted to obstruct traffic visibility.

10. A permit and fee (an amount, if any, to be determined by the village board from time to time) shall be required prior to the placement of a portable storage unit.

11. Portable storage units shall be maintained in good repair, free from rust, peeling paint, graffiti and other forms of deterioration.

12. Signage on portable storage units is limited to the name and address of the storage unit rental company.

13. Portable storage units shall be locked when not being loaded or unloaded. (Ord. G-861, 6-10-2008)

13-3-17: FENCE REGULATIONS:

A. For purposes of this section, the following terms shall have the following meanings:

DOG RUNS/KENNELS: Enclosures constructed for the purpose of containing dog(s) outside of the principal structure on a property.

FENCE: A structure used to delineate a boundary, or as a barrier, or as a means of confinement or for confinement.

FENCE HEIGHT: Measured from the top of the fence to pre-existing grade, irrespective of whether the fence has decorative caps and posts, as long as the caps and posts are no higher than four (4") inches. Fences built on retaining walls shall be measured from the

existing elevation (as approved by the Village Engineer), prior to construction of a retaining wall, to the top of the fence.

FENCE TYPE STRUCTURE: Any fence, or part thereof, located in the buildable area of a property and not located in any required yard. "Fence type structures" include solid privacy screens and open patio enclosures. A "fence type structure" shall not include any part of a fence located outside of the buildable area of a property.

B. The following regulations shall apply to all fences other than fence type structures:

1. Fences shall have a minimum of fifty percent (50%) of the fence's surface area in open space as viewed from an angle of ninety degrees (90°) from the fence line. A fence's surface area shall include the surface area of any gates attached to the fence, but shall not include the surface area attributable to any supporting piers or pillars.

2. Solid fences shall be a maximum height of twenty four inches (24") and be constructed of wood, stone, brick or other masonry material. All nonsolid fences shall be a maximum height of forty two inches (42") and shall be constructed of wood, stone, brick, wrought iron, aluminum or synthetic materials that are molded and give the appearance of wood, stone, brick or wrought iron.

3. If a fence only has one finished side, the fence's finished side must face to the outside of the property. The finished side is the side that does not include the structural supports.

4. Fences shall be constructed at the pre-exiting grade or at a grade approved of by the village engineer. Fences shall not block or obstruct natural drainage or water flow. A fence that is installed in the floodplain shall be elevated a minimum of three inches (3") above the Village engineer approved grade and also be a minimum of fifty percent (50%) open.

5. Fences shall not be permitted in a front yard or alternate front yard setback (see diagrams), except when constructed with driveway gates as permitted in Section 13-3-14 of this Code.

6. All fences shall be located completely within the property that the fence is serving. No fence shall be constructed in a manner that encroaches upon another property or a village owned right of way without the prior approval of the village.

7. All fences shall be constructed and maintained in a manner that preserves the fence's structural integrity and original appearance.

8. Electrified fences, barbed wire, razor wire, spears and other sharp or hazardous materials are not permitted in the village, with the exception of those materials approved by the Development Services department for horse stables and other animal enclosures.

9. No fence shall be constructed or erected in a manner or in a location that interferes or obstructs the line of sight of vehicles using an intersection of an alley and street, or an intersection of two (2) streets.

10. All fences shall comply with all applicable village code requirements.

C. The following regulations shall apply to all fence type structures:

1. Fence type structures may screen hot tubs, patios, decks, sitting areas, or other similar types of uses.

2. Fence type structures may not exceed six feet (6') in height.

3. Fence type structures may not privatize the buildable area.

4. Fence type structures are not permitted in any required yard.

5. All fence type structures shall comply with all applicable village code requirements.

6. All fence type structures are subject to the review and approval of the Development Services department prior to their construction or erection to ensure that the requirements of this section are met.

D. Swimming Pool Fencing. Notwithstanding anything to the contrary contained in this section, the regulations applicable to fences surrounding any swimming pool or any other water feature that requires fencing pursuant to this code or state law shall be as follows:

1. Be a minimum of forty eight inches (48") in height;

2. Not exceed sixty inches (60") in height;

3. The location of a forty eight inch (48") to sixty inch (60") fence that surrounds a swimming pool shall only be in the rear yard or required rear yard setback of the lot. The fence shall also be located in the rear yard behind the principal use structure.

4. Comply with all other applicable requirements of this code. In addition, no fence surrounding a swimming pool may be made of chainlink or wire materials.

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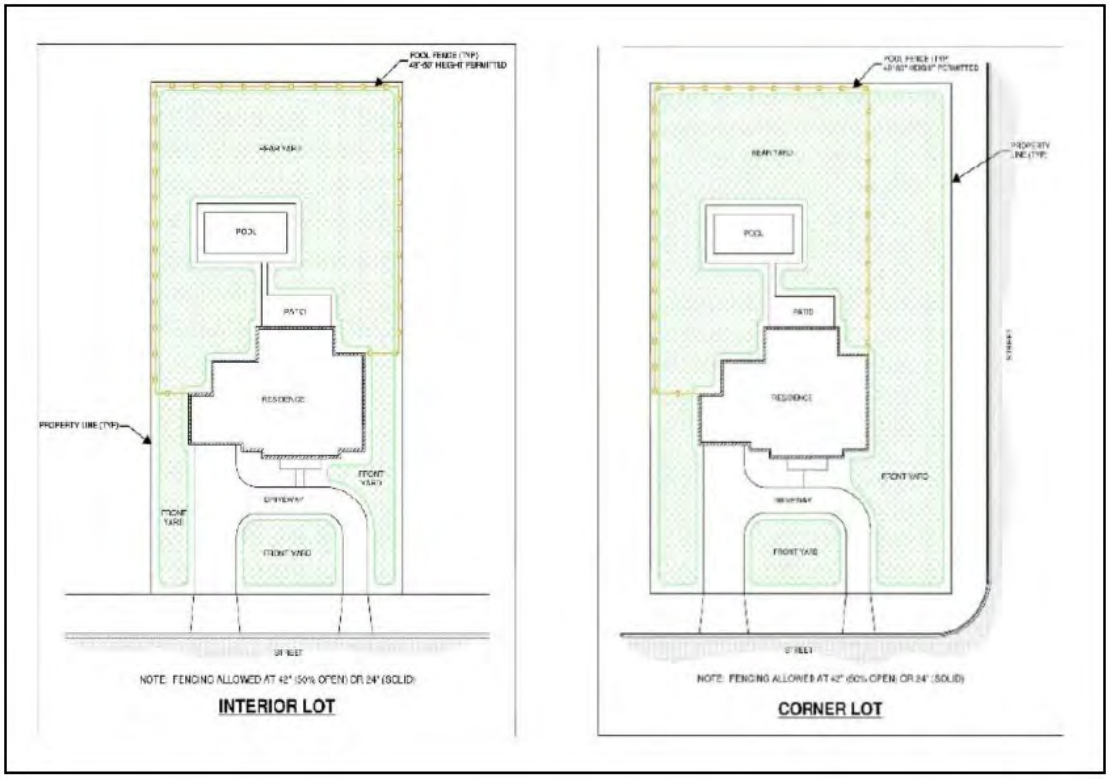
POOL FENCE (TYP)
48"-60" HEIGHT PERMITTED
REAR YARD
POOL
PATIO
RESIDENCE
PROPERTY LINE (TYP)
FRONT YARD
DRIVEWAY
FRONT YARD
FRONT YARD
STREET
NOTE: FENCING ALLOWED AT 42" (50% OPEN) OR 24" (SOLID)
INTERIOR LOT
POOL FENCE (TYP)
48"-60" HEIGHT PERMITTED
REAR YARD
PROPERTY LINE (TYP)
POOL
PATIO
RESIDENCE
FRONT YARD
DRIVEWAY
FRONT YARD
STREET
NOTE: FENCING ALLOWED AT 42" (50% OPEN) OR 24" (SOLID)
CORNER LOT

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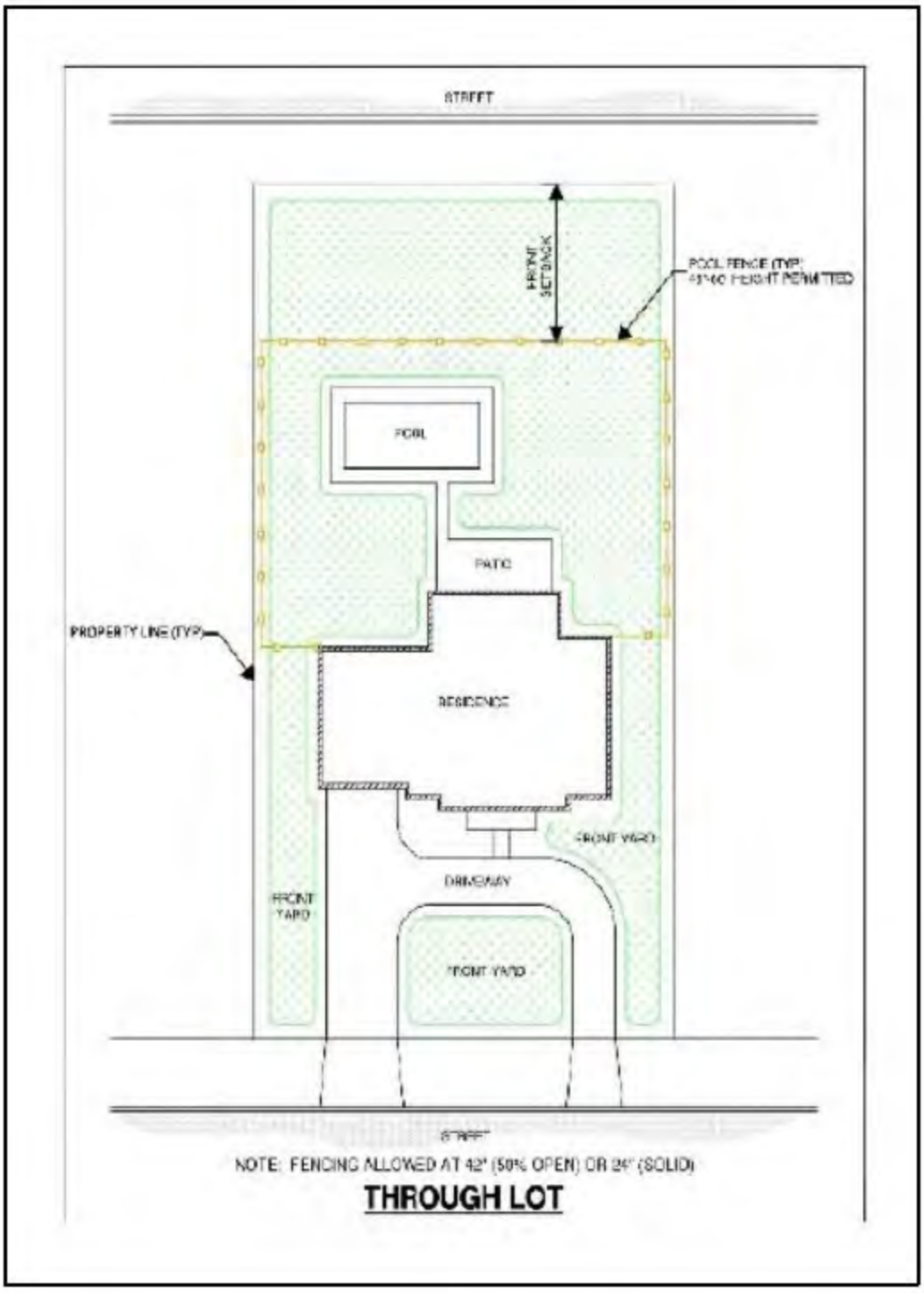

E. The following requirements shall apply to chainlink or wire fencing:

1. Chainlink or wire fencing shall be:

   a. Made of at least 9-gauge wire and not of a thinner gauge wire;

b. Constructed with a top member or brace with a knuckle design;

c. Installed with the wire material (finished side) facing the neighboring property;

d. Painted or coated in a dark color (e.g., black, brown or dark green); and

e. Landscaped with year round plantings, bushes/vegetation or trees on both sides of the fence, except for dog runs/kennels, which shall be so landscaped on the outside of the fence; all required vegetation will be reasonably maintained or replaced as needed.

2. No chainlink or wire fencing shall include slats.

3. No chainlink or wire fencing shall be used for a dog run/kennel in any required yard. Chainlink or wire fencing may be used for dog runs/kennels that are constructed or erected in the buildable area of a property only behind the principal use structure.

4. Chainlink or wire fencing shall not be permitted:

a. In buildable areas. This restriction shall not apply to dog runs/kennels.

b. In any front or side yard.

c. In any rear yard unless the rear yard abuts the village's boundary. Notwithstanding anything to the contrary contained in this section, any such chainlink or wire fencing in a rear yard abutting the village's boundary shall not exceed a height of six feet (6').

d. Surrounding subdivisions unless: 1) landscape screening is installed and maintained in a manner that provides year round vegetation on both sides of the fence; and 2) the fence is approved by the village.

e. Around swimming pools.

f. Around sports courts/fields. This restriction shall not apply to fencing around sports courts for tennis, basketball, hockey and fields for baseball provided that: 1) the fence does not exceed ten feet (10') in height; 2) the court/field shall not be located in any required front or side yard; and 3) the fence must be constructed to the applicable ASTM standard.

5. Chainlink and wire fencing is permitted around construction sites only as a temporary use. The required height of construction fencing shall be established as part of the building permit approval process.

6. Chainlink and wire fencing shall be permitted along state and federal roadways.

7. In the event that a yard is enclosed with a chainlink fence that was installed prior to August 12, 2003, and one side of the fence enclosure is on a neighbor's property and the neighbor removes the chainlink fence, the owner may continue to enclose his/her yard with a chainlink fence by constructing a new fence on his/her property to replace the fence removed by the neighbor.

F. Fences and barriers along major arterials: If a formal barrier or sound wall system is not in place, a solid fence/wall structure may only be erected as follows:

1. The solid fence/wall structure is located along one of the following: Roosevelt Road, 22nd Street, Illinois Route 83/Kingery Highway, Interstate Highway I-88, or Interstate Highway I-294; and

2. The solid fence/wall structure is a single unified system that is approved by all affected property owners, the subdivision homeowners' association (if applicable) and the village of Oak Brook.

3. A solid fence/wall structure shall be considered a six foot (6') high board on board wood fence consisting of a natural wood finish unless otherwise determined by the subdivision homeowners' association.

G. Residential Subdivision Fences: Residential subdivisions are unique and vary in lot sizes, geography and adopted private codes, covenants and restrictions (CCR's). For these reasons, the following homeowners associations have fence code overlays that apply specifically to their subdivision.

1. Timber Trails - Merry Lane Subdivision.

a. The maximum fence height shall not exceed five feet (5') in the rear yard and required rear yard setback. Five foot (5') high fences shall be located behind the rear facade of the single-family residence.

b. A five foot (5') high fence shall not be permitted in an alternate front yard or alternate front yard setback.

c. A five foot (5') high fence shall be nonsolid and at least 50% open. Nonsolid fences shall be constructed of wood, stone, brick, wrought iron, aluminum or another synthetic material that is molded and gives the appearance of wood, stone, brick or wrought iron.

H. Commercial Fencing:

1. Trash receptacles, dumpsters and service areas shall be screened by a six foot (6') high wall to match the color and material of the principal use building and include metal gates, oriented whenever possible, to not be visible from nearby streets, sidewalks and customer views.

2. Mechanical equipment and generators shall be screened through the use of building design features such as wing walls or approved landscaping, minimizing the need for opaque fencing. If fencing is approved, it shall match the color and material of the principal use building.

I. Governmental Service Facilities and Public Utilities Fencing (excluding properties in the CR District):

1. Security fencing shall not exceed eight foot (8') in height.

2. Barbed wire and similar material are prohibited, except where deemed necessary and appropriate for Homeland Security purposes by the Chief of Police and the Development Services Director. (Ord. G-1021, 3-11-2014; Ord. G-1214, 6-14-2022)

13-3-18: Prohibited Uses: The following list of uses are specifically prohibited in the Village of Oak Brook. Any use determined by the Development Services department to be similar to the uses below shall also be prohibited.

A. Heavy Industrial Uses:
   1. Junk yards
   2. Metal salvage and recycling facilities
   3. Solid waste transfer stations
   4. Propane storage and distribution facilities
   5. Storage and Repair Facilities – semi-tractor trailer vehicles and

   6. Truck depot/truck stop

B. Astrology services, palm and tarot card readers, psychics, feng shui advisors, phrenology services
C. Pawn shops
D. Day-labor employment agencies
E. Commercial shooting range
F. Tattoo and body piercing parlor, not including ear piercing as part of a retail store or permanent makeup as part of a salon/ day spa.
G. Mobile Food Vending

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13-3-19: CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED:

A. For purposes of this section, the following terms shall have the following meanings:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:	A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.
ADULT-USE CANNABIS CRAFT GROWER:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
ADULT-USE CANNABIS CULTIVATION CENTER:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
ADULT-USE CANNABIS DISPENSING ORGANIZATION:	A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling and dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
ADULT-USE CANNABIS EVENT:	Any public or private event operated by an organization or business where attendees can consume cannabis or cannabis products as part of any special event.
ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-

	0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
ADULT-USE CANNABIS LOUNGE:	A facility operated by an organization or business where customers can consume cannabis in a social setting.
ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:	An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
PERSON:	Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

B. Cannabis Business Establishments Prohibited: The following adult-use cannabis business establishments are prohibited in the Village of Oak Brook. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of Oak Brook of any of the following:

Adult-Use Cannabis Craft Grower;

Adult-Use Cannabis Cultivation Center;

Adult-Use Cannabis Dispensing Organization;

Adult-Use Cannabis Event;

Adult-Use Cannabis Infuser Organization or Infuser;

Adult-Use Cannabis Lounge;

Adult-Use Cannabis Processing Organization or Processor; or

Adult-Use Cannabis Transportation Organization or Transporter.

C. Public Nuisance Declared: Operation of any prohibited cannabis business establishment within the Village of Oak Brook in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

D. Violations: Violations of this chapter may be enforced in accordance with the provisions of Chapter 14 of this code. (Ord. G-1154, 11-12-2019)

CHAPTER 5
CR CONSERVATION/RECREATION DISTRICT

SECTION:

13-5-1: Purpose

13-5-2: Permitted Uses

13-5-3: Special Uses

13-5-4: Lot Area Requirements

13-5-5: Additional Regulations

13-5-1: PURPOSE:

The CR Conservation/Recreation District is designed to encourage the development of land for open space recreational activities and/or preserve natural resources. This District is characterized by open uses of land, for example, golf courses and agricultural uses. The only structures and improvements permitted are those which supplement and are incidental to the principal open use. This District is not intended to encourage commercial or residential operations. (Ord. G-60, 3-22-1966)

13-5-2: PERMITTED USES:

Agricultural, including incidental agricultural structures.

Forest preserves, wildlife reservations, ecological sanctuaries and arboretums.

Golf courses, and similar open field recreational activities.

Parks and playgrounds.

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Accessory uses and structures, incidental to and on the same zoning lot as a principal uses. (Ord. G-60, 3-22-1966; Ord. G-483, 3-10-1992)

13-5-3: SPECIAL USES:

Cultural facilities, including libraries, museums, and similar cultural institutions.

Educational facilities.

Gardens, botanical and zoological.

Governmental service facilities, including municipal civic centers, police and fire stations, village owned communication towers, and similar uses.

Historic facilities available to the public and used primarily for educational, cultural and/or historic purposes and activities in furtherance of the maintenance and support of the historic facilities as set forth in the applicable special use ordinance.

Public warning devices.

Tennis and swimming clubs.

Winter sports: ice skating rinks, ice hockey, curling, skiing or tobogganing, not less than twenty five (25) acres.

Accessory uses and buildings incidental to and on the same lot as the principal use. (Ord. G-60, 3-22-1966; Ord. G-483, 3-10-1992; Ord. G-566, 2-13-1996; Ord. G-608, 3-10-1998)

13-5-4: LOT AREA REQUIREMENTS:

A. Lot Area: Not less than five (5) acres.

B. Lot Width: Not less than two hundred twenty feet (220') within the buildable area.

C. Floor Area Ratio: Not to exceed 0.15.

D. Structure Height: Not more than thirty feet (30'). Special uses may not exceed forty feet (40').

E. Yards: Yards shall be provided as follows:

1. All yards shall be established according to the following requirements. No structure shall be erected or maintained:

a. Within one hundred feet (100') from the center thread of any waterway or watercourse;

b. Within one hundred feet (100') from the right-of-way line of any street; or

c. Within one hundred feet (100') from any adjacent residence district.

2. Notwithstanding the above, public utilities such as wires, cables, conduits, vaults, laterals, pipes, mains and valves and other similar transmission distributing equipment, bridges, fountains, sidewalks, gateways, flagpoles, roadways, and other similar structures intended to be accessory and incidental to the primary use of a principal building on the lot shall be permitted without regard to the setbacks established herein. (Ord. G-60, 3-22-1966; Ord. G-341, 1-24-1984)

13-5-5: ADDITIONAL REGULATIONS:

A. Off-Street Parking And Loading: Off-street parking and off-street loading shall be as set forth in Chapter 12 of this Title.

B. Performance Standards: Any use established in a conservation/recreation district shall be operated in compliance with the performance standards set forth in Section 13-10-3 of this Title.

C. Signs And Awnings: Awnings, marquees and signs may be erected in conformance with the provisions of Section 13-10A-4 of this Title. (Ord. G-60, 3-22-1966; Ord. G-341, 1-24-1984)

CHAPTER 6
RESIDENCE DISTRICTS

SECTION:

13-6-1: Purpose

13-6-2: Home Occupations

13-6-3: Outdoor Storage -Vehicles

13-6-~~3~~4: Nameplates And Signs

~~13-6-4: Buildings Of Historical, Architectural Or Cultural Significance~~

13-6-5: Cluster Type Single-Family Detached Dwellings

13-6-6: Area, Bulk, Density And Setback Requirements

13-6-7: Short-Term Residential Rental

13-6-1: PURPOSE:

The residence districts provide for the development of various types of dwelling units within a framework of standards designed to:

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A. Preserve and further promote low density single-family detached dwelling neighborhoods consistent with the predominant character of the village (R1-R2).

B. Encourage the development of medium density single-family detached dwelling neighborhoods where it is possible to provide public streets and utilities (R3-R4). ~~employ modern, efficient land planning techniques with smaller networks of utilities and pavements.~~

C. Provide housing options including attached residential units through the application of various lot sizes, dwelling types, and density (R5).

D. Provide flexibility in the design of residential development to include a mixture of residential uses, or the clustering of residential dwellings on smaller lots to allow for the preservation of open space, natural resources, and creation of recreational areas.

E. Provide for the economically sound and aesthetically pleasing use of areas characterized by their proximity to heavy traffic, the regional shopping center and light industry, including the use of town houses and garden type low density multiple-family dwellings. (Ord. G-60, 3-22-1966)

Regulations Applicable to all Residence Districts

13-6-2: HOME OCCUPATIONS:

In all residence districts, unless otherwise provided in the regulations of this title, any customary home occupation shall be permitted provided:

A. It is conducted entirely within the dwelling and only by members of the family, and when such home occupation is incidental and secondary to the use of the dwelling for dwelling purposes. The dwelling shall be the primary residence of the operators of the home occupation.

B. It is not conducted from a detached or attached accessory structure, requires no internal or external alterations and involves no construction features or use of equipment not customary in a dwelling., ~~and~~ T~~t~~he entrance to the space devoted to such occupation shall be from within the dwelling.

C. ~~and~~ N~~n~~ot more than one-fourth (1/4) of the permitted building coverage of the principal structure or basement shall be ~~the floor area of a story, including also a cellar of the dwelling, is~~ devoted to such home occupation.

D ~~C~~. There is no exterior display or activity that will indicate ~~from the exterior of~~ that the dwelling ~~that it~~ is being used for any use other than a dwelling.

E~~D~~. Stock in trade, including that which is produced on the premises, shall not require receipt or delivery of merchandise, goods or equipment other than by United States letter carrier mail, similar parcel delivery service or by private passenger automobile. ~~(Ord. G-60, 3-22-1966)~~

~~F. The operator or operators of the home occupation shall be his or her legal and primary place of residence;~~

1. No one may participate in or assist with the conduct or operation of a home occupation except:

    a. Individuals who meet the same residence requirements, set forth in Section A. above;
    b. A nonresident assistant, subject to the following requirements and limitations:
        i. Participation by the nonresident assistant shall be in a subordinate capacity only, incidental to the conduct of the home occupation as for example, the services of a nurse, receptionist or clerical assistant in the home occupation of a physician;
        ii. The nonresident assistant shall not participate, totally or partially, in the capacity as an additional operator of the home occupation, as an additional practitioner of the professional, craft or occupational service of the operator, or as a partner or professional associate thereof.

G. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.

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H. Alterations shall not be made to the interior of the dwelling which would render it undesirable for residential use.

I. No vehicular traffic substantially greater than normal in the adjacent residential area is permitted.

J. Any activity, use, type of materials, or quantity of materials that is illegal or would be classified by the adopted International Building Code as High-Hazard Group H., creates visible or audible interference in radio and television receivers, or causes fluctuations in line voltage outside the dwelling units is prohibited.

K. No permitted home occupation(s) shall interfere with the reasonable use and enjoyment of adjacent residential properties.

13-6-3: OUTDOOR STORAGE- VEHICLES

For all Residence Districts, the following regulations apply to outdoor storage:

A. The overnight storage of commercial vehicles outside in any building area or required yard is prohibited.

B. The storage of recreational vehicles is permitted as long as the following requirements are met:

1. Storage of a recreational vehicle may only be located on lots 1 acre or more in size;

2. The storage area for a recreational vehicle must not be located within the front yard and must not be in front of the façade of the principal building on the lot; and

3. Screening of the vehicle must be provided. The screening must be a permanent year round screening with either evergreen plantings or a combination of evergreen plantings and permanent fencing or masonry materials as permitted by the Village Code.

13-6-~~3~~4: NAMEPLATES AND SIGNS:

See chapter 11 of this title. (Ord. G-60, 3-22-1966; Ord. G-203, 12-14-1976; Ord. G-510, 6-9-1993; Ord. G-549, 1-24-1995; Ord. G-586, 4-8-1997; Ord. G-695, 3-26-2002)

~~13-6-4: BUILDINGS OF HISTORICAL, ARCHITECTURAL OR CULTURAL SIGNIFICANCE:~~

~~A. Purpose: The purpose of this special use category is to provide a method of preserving institutional buildings in existence prior to the incorporation of the village which are of historical, architectural or cultural significance for use as residential dwellings.~~

~~B. Criteria: In addition to the standards set forth in subsection 13-14-9E of this title, no special use may be granted hereunder unless:~~

~~1. The existing building has historical, architectural or cultural significance according to one or more of the following criteria:~~

~~a. Its character, interest or value as part of the development, heritage, or cultural characteristics;~~

~~b. Its identification with a person or persons who significantly contributed to the development of the community, county, state or country;~~

~~c. Its exemplification of the cultural, religious, economic, social, political or historic heritage of the community;~~

~~d. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;~~

~~e. Its identification as the work of a master builder, designer or architect whose individual work has influenced the development of the community, County, State or country;~~

~~f. Its embodiment of elements of architectural design, detail, materials or draftsmanship which represent a significant architectural innovation;~~

~~g. Its unique location or singular physical characteristics representing an established or familiar visual feature of a neighborhood or the community; and~~

~~2. The building is suitable for preservation and continued use of conversion as residential dwellings.~~

~~C. Findings: In addition to the findings required under subsection 13-14-9E of this Title, no special use may be granted hereunder unless findings are made that:~~

~~1. The building in question has historical, architectural or cultural significance according to one or more of the criteria set forth in this Section;~~

~~2. The proposed preservation plan does in fact preserve the existing building as a historical, architectural or culturally significant structure;~~

~~3. The building is suitable for preservation and continued use or conversion as residential dwellings.~~

~~D. Procedure:~~

~~1. The applicant shall file concurrently:~~

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a. An application for a special use as herein provided; and

b. An application for approval of a proposed preservation plan, which applications shall be processed in the manner prescribed in subsection 13-14-9D of this Title.

2. The proposed preservation plan shall include:

a. Information addressing the criteria set forth in subsection B of this Section;

b. Floor plans showing, in detail, existing and proposed uses of all areas of the building;

c. A plat of survey of the property involved showing the location of all existing structures and a site plan showing the location of all proposed structures and existing structures to be retained;

d. A statement detailing the nature of any alteration to existing interior or exterior architectural features specifically identifying those features to be preserved and/or restored;

e. A topographical analysis of the site with contour intervals of not more than two feet (2');

f. Information on existing and proposed water mains, sanitary sewers, storm sewers, storm water retention and runoff, stream channels, floodplains and floodways, lakes, ponds or other public improvements;

g. A study of traffic engineers providing information on the impact of the development on public streets and intersections;

h. A plat or map showing the land uses, physical features, and zoning of all adjacent lands within four hundred (400) yards of the property involved;

i. A proposed fire protection plan detailing the description and location of proposed fire protection equipment and automatic sprinkler systems;

j. A set of plans detailing existing and proposed exterior elevations, a list of any items being removed from the exterior of the building, and typical details for existing and proposed windows, doors, bays and balconies.

3. No special use as provided herein may be issued until a preservation plan has been approved as provided herein, provided that such a special use may be approved upon the condition that the final preservation plan, detailing the information required in subsection D2 of this Section and accompanying documents required in subsection D4 of this Section be submitted to and approved by the corporate authorities within a reasonable time as specified in the ordinance approving the special use.

4. The final preservation plan shall be accompanied by:

a. Final plans and specifications for all public improvements reasonably required for implementation of the preservation plan. Such plans and specifications shall comply with all applicable standards of the Village for said public improvements;

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~~b. A draft of all necessary or advisable covenants, easements, preservation restrictions and condominium declarations acceptable in form and substance to the Village.~~

~~E. Bulk Standards: The bulk standards established in this Section shall apply except as follows:~~

~~1. Structure Height: Structure height of existing buildings shall be established as necessary to preserve and restore such buildings, provided that no existing structure may exceed its existing structure height or elevation.~~

~~2. Ground Floor Area Per Dwelling: Not less than nine hundred (900) square feet.~~

~~3. Floor Area Per Dwelling: Not less than two thousand four hundred (2,400) square feet.~~

~~4. Parking:~~

~~a. Two (2) parking spaces for each dwelling unit and reserved for each said dwelling unit; and~~

~~b. One parking space for each dwelling unit for visitor and guest parking.~~

~~5. Density: No more than three (3.0) dwelling units per acre.~~

~~6. Preservation Vista: Not less than one hundred fifty feet (150').~~

~~7. Lot Area: Not less than twelve (12) acres. (Ord. C-328, 8-24-1982)~~

13-6-5: CLUSTER-TYPE SINGLE-FAMILY DETACHED DWELLINGS:

Residential development of cluster-type single-family detached dwellings shall meet the following criteria:

A. Bulk Standards: The bulk standards of this Section shall apply except as follows:

1. Structure Height: Not more than thirty feet (30') above the highest point of the foundation.

2. Density: Not more than two and three-tenths (2.3) dwelling units per acre, provided the total lot area does not exceed twenty two percent (22%) of gross land area.

3. Lot Area: Not less than three thousand seven hundred (3,700) square feet.

B. Lot Width: Not less than fifty three feet (53') as determined at the rear lot line.

C. Yards: Distances between buildings, public or private rights of way and subdivision boundaries, which shall apply in lieu of the zoning yard requirements for the R3 District, shall be not less than:

1. Sixteen feet (16') from the side wall eaves to the side wall eaves;

2. Seventy feet (70') from the rear wall eaves to the rear wall eaves;

3. Twenty feet (20') from the front wall eaves to the right of way or access easement line;

4. Fifteen feet (15') from the side wall eaves to the right of way or access easement line;

5. Fifteen feet (15') from the rear wall eaves to the right of way or access easement line; and

6. Thirty five feet (35') from the rear wall eaves to the subdivision boundary.

Patios, decks, roof overhangs, chimneys and bay windows shall be permitted within an exclusive easement adjoining the front, rear and side lot lines. This easement may also provide utility access, provided that any structures in the easement do not conflict with the needs of any utility.

D. Subdivision Controls: All common areas shall be titled to and maintained by a homeowners' association as open space for joint use by the residents of the subdivision. At least eighty percent (80%) of occupied dwellings within the subdivision shall be occupied by at least one person who is fifty five (55) years of age or older, and all occupants must be eighteen (18) years of age and older, and this restriction shall be included within the covenants, conditions and restrictions recorded with the plat of subdivision. (Ord. G-618, 9-22-1998)

13-6-6: AREA, BULK, DENSITY AND SETBACK REQUIREMENTS

A. Building Coverage

1. For the purposed of calculating the primary building lot coverage for single-family dwellings, the access easements or 'handle' for lots-in-depth shall not be included in determining total lot square footage. The Lot Coverage is the percentage of a zoning lot's area covered by all roofed structure on the lot (i.e. principal and attached accessory structures), and NOT detached accessory structure (See Chapter 3 of this Title).
2. Rear Yard Lot Coverage (Section 13-3-6. B. d. (2)) includes all rear yard improvements (1.e. patios, pools, sheds, garages, accessory living units, pool houses and sports).
3. Building facades in the residential districts shall have exterior wall material consisting of 50% stone or brick for each side of the building (not including areas for windows and doors).

SECTION 13-6-7: SHORT-TERM RESIDENTIAL RENTAL

SHORT-TERM RESIDENTIAL RENTAL: A Residential Structure, as defined herein, offered for rent for a period which does not exceed thirty (30) consecutive days. The term "Short-Term Residential Rental" shall not include hotels.

SHORT-TERM RESIDENTIAL RENTAL PROPERTY OWNER: The individual or entity which has title to the property which is the subject of a Short-Term Residential Rental.

13-6-7A: PURPOSE AND APPLICABILITY:

It is the intent and purpose of this Section (Short-Term Residential Rental) to preserve the character and integrity of residential neighborhoods within the Village by prohibiting Residential Structures from being used for the commercial purpose of providing Short- Term Residential Rentals.

13-6-7B: SHORT-TERM RESIDENTIAL RENTALS PROHIBITED:

1. It shall be unlawful for any person or entity to operate, use, offer for rent or use, or advertise for rent or use, any property within the Village of Oak Brook as a Short-Term Residential Rental.

2. It shall not be considered a Short-Term Residential Rental when the preceding owner of a property maintains possession of a Residential Structure after closing for the sale thereof but leases the property back from the successor owner for a period of time pursuant to a written agreement.

13-6-7C: PUBLIC NUISANCE DECLARED:

Operation of any Short-Term Residential Rental within the Village of Oak Brook in violation of the provisions of this Chapter may be deemed a public nuisance and abated pursuant to all available remedies, including but not limited to injunctive relief. In addition to the penalties provided for herein, the Village of Oak Brook shall be entitled to receive from the Short-Term Residential Rental Owner reimbursement for the cost of the Village's reasonable attorney fees, costs and expenses incurred by the Village of Oak Brook to abate a Short- Term Residential Rental operating as a public nuisance.

13-6-7D: PENALTIES:

Any Short-Term Residential Rental Owner or other person or entity who violates any of the provisions set forth or referenced in this Chapter, shall be subject to the following penalties:

1. A fine of one thousand dollars ($1,000.00) for a first offense within a 12-month period, and a fine of two thousand five hundred dollars ($2,500.00) for a second or subsequent Offense within a 12-month period.

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2. Each day that a violation of this Chapter continues shall be considered a separate and distinct offense and a fine shall be assessed for each day a provision of this Chapter is found to have been violated. Notwithstanding the forgoing, the escalation of fines as set forth above shall not occur until a prior adjudication of a violation against the same individual or entity has been entered.

3. Continued violations of this Chapter are subject to an injunction to enforce this Chapter.

NOTICE OF VIOLATION: See Section 13-14-11

ARTICLE A. R1 SINGLE-FAMILY DETACHED RESIDENCE DISTRICT

SECTION:

13-6A-1: Permitted Uses

13-6A-2: Special Uses

13-6A-3: Lot Area Requirements

13-6A-4: Additional Regulations

13-6A-1: PERMITTED USES:

Home occupations.

Nameplates and signs.

Parks and playgrounds.

Public schools, parochial school, nonboarding elementary, junior high and high, on lots not less than eight (8) acres in area for an elementary school and not less than twenty five (25) acres in area for a high school.

Single-family detached dwellings.

Accessory uses and structures, subject to the following:

A. Uses and structures customarily accessory to single-family dwellings.

B. Noncommercial pursuit of agriculture: 1) on lots not less than ten (10) acres in area, provided structures and land used for the shelter, feeding, keeping, propagating, culture of poultry and livestock shall not be less than one hundred feet (100') from the nearest lot line, and any other structure or land used in the pursuit of agriculture shall not be less than one hundred feet (100') from the nearest street line, and not less than fifty feet (50') from the

nearest interior and rear lot line; and 2) on lots less than ten (10) acres in area, provided such uses involve only the growing of farm and garden crops and nursery stock and no accessory structures are used exclusively for such uses, except conservatories or greenhouses of the types customarily attached to dwellings.

C. Dwelling units for housing domestic servants or other persons employed on the premises and guest houses.

D. Horse stables, private, on lots not less than two (2) acres in area; provided that no more than two (2) horses are kept, except that one additional horse may be kept for each one acre of additional lot area over two (2), and no structure used for shelter shall be nearer than ninety feet (90') from side and rear lot lines and one hundred fifty feet (150') from front lot lines, or any streets; such stables to be subject to the following standards:

1. The stable must not be detrimental to or endanger public health or safety;

2. The stable must not be injurious to the use and enjoyment of property in its immediate vicinity nor diminish or impair property values in the neighborhood;

3. Adequate utility service and drainage facilities must be provided and approved by the Village Engineer;

4. The storage area for manure must meet the same setback requirements of stable building location;

5. Manure removal must meet the requirements of the Department of Health of DuPage County and must be so scheduled in frequency so as not to be offensive or injurious to public health;

6. A pest control program must be instituted to meet the requirements of the Department of Health of DuPage County.

E. Storage of building materials and equipment and temporary structures for construction purposes, when on the same or adjoining lot as the principal uses and for a period of not to exceed the duration of such construction.

F. Temporary construction and sales offices in subdivisions containing forty (40) acres or more in area, for a period not to exceed ninety (90) days following completion of such construction. (Ord. G-60, 3-22-1966)

13-6A-2: SPECIAL USES:

Agricultural: Growing of farm and garden crops and nursery stock as a principal use on a lot, provided:

A. The lot area for commercial growing of farm crops, truck garden produce, and nursery stock shall be not less than ten (10) acres in area.

B. The sale of such materials is not conducted from a store, stand or other structure erected or maintained for such purpose.

Cemeteries (subject to compliance with the regulations in chapter 16 of this title): Any existing cemetery and structure shall be deemed to have a special use permit as required by this section, notwithstanding whether these existing cemeteries and structures comply, as of January 22, 2013, with the provisions of chapter 16 of this title. Any expansion, change, or new construction relating to an existing cemetery and structure shall comply with chapter 16 of this title, but any such activity shall not require a new or amended special use permit, or other zoning relief, provided that the activities comply with chapter 16 of this title. Notwithstanding the foregoing, no special use permit granted pursuant to this section, whether for an existing cemetery and structure or for a new cemetery or structure, shall permit a community burial structure to be built in a residence district.

Churches, chapels, temples and synagogues: On lots not less than three hundred feet (300') in width and not less than two (2) acres in area and one additional acre for each two hundred forty (240) seats in the sanctuary over two hundred forty (240) seats. Where churches and parochial schools are on the same land, not less than eight (8) acres in area.

Cultural and recreational facilities: Outdoor and indoor cultural and recreational facilities including, but not limited to, swimming pools, tennis courts, meeting facilities and other similar facilities accessory to and owned in common by the owners of properties within a residential subdivision.

Public utility, transportation, and government facilities: Public utility, transportation, and governmental service facilities, including municipal offices and civic centers, public libraries, police and fire stations, public works facilities, village owned communication towers, conference of municipal governments and ancillary uses (including organizations which provide consultation solely to units of local government), and similar uses.

Recreational and cultural uses: The following recreational and cultural uses, public or private, provided the site meets the minimum area requirements hereinafter stipulated:

A. Golf courses and clubs, standard or par 3, when operated only during daylight hours, but not including commercially operated miniature courses or golf driving ranges, not less than twenty five (25) acres.

Accessory uses: Accessory uses, customarily incidental to the above special uses, including, but not limited to, agricultural, recreational and cultural uses, as follows:

A. Clubhouses and lodges, containing customary facilities incidental to the operation of the principal recreational use including, but not limited to, restaurants, cocktail lounges and shops primarily for the sale and service of equipment and other commodities related to participation in the recreational facilities on the premises on lots not less than two (2) acres in area, and provided further that the restriction relating to operation only during daylight hours does not apply to the accessory uses.

B. Horse stables, kennels and other similar structures, for keeping and shelter of livestock, other animals, poultry and game, and accessory structures, provided that such structures shall be located: 1) not less than one hundred fifty feet (150') from a street; 2) not less than one hundred feet (100') from a structure on the same lot intended for occupancy as a dwelling; 3) not less than one hundred feet (100') from a residence district line; 4) not less than seventy feet (70') from a nonresidence district line; and 5) on lots not less than ten (10) acres in area. (Ord. G-60, 3-22-1966; Ord. G-328, 8-24-1982; Ord. G-483, 3-10-1992; Ord. G-571, 6-11-1996; Ord. G-608, 3-10-1998; Ord. G-675, 3-27-2001; Ord. G-938, 11-9-2010; Ord. G-989, 1-22-2013)

13-6A-3: LOT AREA REQUIREMENTS:

A. Lot Area: Except as otherwise required in this title for a specific use, not less than two (2) acres.

B. Lot Width: Not less than two hundred twenty feet (220') within the buildable area.

B. Floor Area Ratio: Not to exceed 0.4 ~~for nonresidential uses~~.

C. Maximum Lot Coverage (Principal Structures): Not to exceed .20.

E. Structure Height:

1. Residential uses: Not more than fifty feet (50'), except for continuous flat roofs, which shall be not more than thirty five feet (35') to the top of any parapet wall. However, where residential building heights exceed thirty feet (30'), the highest space that can be occupied must have an emergency escape and rescue opening at a maximum elevation of thirty two feet (32') above grade.

2. Nonresidential uses: Not more than forty five feet (45') excluding village owned communication towers, which may not exceed a height of one hundred twenty feet (120').

F. Ground Floor Area Per Dwelling:

1. One story: Not less than two thousand (2,000) square feet.

2. Bilevel: Not less than one thousand eight hundred (1,800) square feet.

3. Dwellings having more than one story: Not less than one thousand five hundred (1,500) square feet.

G. Yards: Except as required in subsections 13-6A-1B and D of this article, under "accessory uses and structures", yards shall be provided as follows:

1. Front: Not less than fifty feet (50') in depth, except front yards abutting York and Cermak Roads shall have a depth of not less than one hundred feet (100').

2. Side: Not less than thirty feet (30') in depth, except: a) a side yard abutting a street shall be not less than fifty feet (50') in depth, and for nonresidential uses each interior side yard

shall be increased by not less than two feet (2') for each one foot (1') of structure height over thirty feet (30').

3. Rear: Not less than one hundred feet (100') in depth. (Ord. G-60, 3-22-1966; Ord. G-616, 8-11-1998; Ord. G-730, 9-23-2003; Ord. G-938, 11-9-2010; Ord. G-977, 8-14-2012)

13-6A-4: ADDITIONAL REGULATIONS:

A. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966)

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R1 SINGLE-FAMILY DETACHED RESIDENCE DISTRICT		
Standard For:	**Residential Use**	**Non-Residential Use**
Minimum Lot Area	2 acres	2 acres
Minimum Lot Width	220'	220'
Maximum Structure Height [4]	50' or 35' [1]	45'
Maximum Lot Coverage (Principal Structures)	0.20	0.20
Maximum FAR	0.4	0.4
Minimum Yard Setbacks		
Front Yard	50' or 100' [2]	50' or 100' [2]
Interior Side Yard	30'	30' [3]
Street Side Yard	50'	50'
Rear Yard	100'	100'
Minimum Ground Floor Area per Dwelling		
Single Story	2,000 sq. ft.	-
Bilevel	1,800 sq. ft.	-
Two or more stories	1,500 sq. ft.	-

[1] For continuous flat roofs.

[2] For yards abutting York and Cermak Roads

[3] Increased 2' for each 1' of structure height over 30'

[4] Where residential building heights exceed thirty feet (30'), the highest space that meets the criteria of Sections R304, R305 & R311.4 for habitable space shall have an emergency escape and rescue opening in compliance with Section R310 at a maximum elevation of thirty two feet (32') above grade. This section shall be applied regardless of the usage designation on the construction documents, including "storage" or "bonus" rooms.

ARTICLE B. R2 SINGLE-FAMILY DETACHED RESIDENCE DISTRICT

SECTION:

13-6B-1: Permitted Uses

13-6B-2: Special Uses

13-6B-3: Lot Area Requirements

13-6B-4: Additional Regulations

13-6B-1: PERMITTED USES:

Permitted uses shall be those as in the R1 single-family detached residence district. (Ord. G-60, 3-22-1966)

13-6B-2: SPECIAL USES:

Special uses shall be those as in the R1 single-family detached residence district. (Ord. G-608, 3-10-1998)

13-6B-3: LOT AREA REQUIREMENTS:

A. Lot Area: No less than one acre, except as otherwise required in this title for a specific use.

B. Lot Width: Not less than one hundred fifty feet (150') within the buildable area.

C. Floor Area Ratio: Not to exceed 0.4 ~~for nonresidential use~~.

D. Maximum Lot Area Coverage (Principal Structures): Not to exceed .20.

E. Structure Height:

1. Residential Uses: Not more than forty five feet (45') for lots one acre or larger and forty feet (40') for lots less than one acre, except for continuous flat roofs, which shall be not more than thirty five feet (35') to the top of any parapet wall. However, where residential building heights exceed thirty feet (30'), the highest space that can be occupied must have an emergency escape and rescue opening at a maximum elevation of thirty two feet (32') above grade.

2. Institutional And Other Nonresidential Uses: Not more than forty five feet (45').

F. Ground Floor Area Per Dwelling:

1. One Story Without Basement: Not less than one thousand eight hundred (1,800) square feet.

2. One Story With Basement: Not less than one thousand six hundred (1,600) square feet.

3. Dwellings Having More Than One Story: Not less than one thousand two hundred fifty (1,250) square feet.

G. Yards: Except as required in subsections B and D under "accessory uses and structures" in section 13-6A-1 of this chapter, yards shall be provided as follows:

1. Front: Not less than forty feet (40') in depth.

2. Side: Not less than eighteen feet (18') in depth except:

a. A side yard abutting a street shall not be less than forty feet (40') in depth;

b. To accommodate a side load garage, the minimum side yard setback (on 1 side yard) must be at least twenty three feet (23'); the width of the pavement opposite of the garage door must be a minimum of twenty three feet (23');

c. For nonresidential uses each side yard abutting a street shall be not less than fifty feet (50') in depth and each interior side yard shall be not less than thirty feet (30') in depth and increased by not less than two feet (2') for each one foot (1') of structure height over thirty feet (30').

3. Rear: Not less than sixty feet (60') in depth. (Ord. G-60, 3-22-1966; Ord. G-328, 8-24-1982; Ord. G-616, 8-11-1998; Ord. G-730, 9-23-2003)

13-6B-4: ADDITIONAL REGULATIONS:

A. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966)

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R2 SINGLE-FAMILY DETACHED RESIDENCE DISTRICT		
Standard For:	**Residential Use**	**Non-Residential Use**
Minimum Lot Area	1 acre	1 acre
Minimum Lot Width	150'	150'
Maximum Structure Height [4]	45' or 35' [1]	45'
Maximum Lot Coverage (Principal Structures)	0.20	0.20
Maximum FAR	0.4	0.4
Minimum Yard Setbacks		
Front Yard	40'	40'
Interior Side Yard	18' or 23' [2]	30' [3]
Street Side Yard	40'	50'
Rear Yard	60'	60'
Minimum Ground Floor Area per Dwelling		
Single Story	1,800 sq. ft.	-
Bilevel	1,600 sq. ft.	-
Two or more stories	1,250 sq. ft.	-

[1] For continuous flat roofs.

[2] Minimum interior yard setback to accommodate side load garage. Setback is measured from the farthest projection of the building, not the building foundation. The width of the pavement in front of the garage door must be a minimum of twenty-three feet (23').

[3] Increased 2' for each 1' of structure height over 30'

[4] Where residential building heights exceed thirty feet (30'), the highest space that meets the criteria of Sections R304, R305 & R311.4 for habitable space shall have an emergency escape and rescue opening in compliance with Section R310 at a maximum elevation of thirty two feet (32') above grade. This section shall be applied regardless of the usage designation on the construction documents, including "storage" or "bonus" rooms.

ARTICLE C. R3 SINGLE-FAMILY DETACHED RESIDENCE DISTRICT

SECTION:

13-6C-1: Permitted Uses

13-6C-2: Special Uses

13-6C-3: Lot Area Requirements

13-6C-4: Additional Regulations

13-6C-1: PERMITTED USES:

Permitted uses shall be those as in the R1 single-family detached residence district. (Ord. G-60, 3-22-1966)

13-6C-2: SPECIAL USES:

Special uses shall be those as in the R1 single-family detached residence district; and

Residential development of cluster type single-family detached dwellings intended for occupancy by persons fifty five (55) years of age or older, and all occupants at least eighteen (18) years of age or older, on parcels not less than thirty (30) acres in area 1 .

Residential development of existing buildings of historical, architectural or cultural significance 2 . (Ord. G-60, 3-22-1966; Ord. G-83, 4-9-1968; Ord. G-203, 12-14-1976; Ord. G-608, 3-10-1998)

Notes

1 1. See section 13-6-5 of this chapter.

2 2. See section 13-6-4 of this chapter.

13-6C-3: LOT AREA REQUIREMENTS:

A. Reduction Of Lot Area: Not less than twenty five thousand (25,000) square feet, except that in subdivisions of eighty (80) acres or more in area, the lot area may be reduced to one-half (1/2) acre provided that lands equal to ten percent (10%) of the total area be dedicated to the village, or agency approved by the village board, for park or recreational uses and no portion of which shall be less than four (4) acres. The dedicated land shall be appropriate for park or recreational uses, and shall not include wet drainageways in excess of twenty five percent (25%) of the total dedicated area.

B. Lot Width: Not less than one hundred feet (100') within the buildable area.

C. Floor Area Ratio: Not to exceed 0.4 ~~for nonresidential uses~~.

D. Maximum Lot Area Coverage (Principal Structures): Not to exceed .20.

E. Structure Height:

1. Residential Uses: Not more than forty feet (40') except for continuous flat roofs, which shall be not more than thirty feet (30') to the top of any parapet wall. However, where residential building heights exceed thirty feet (30'), the highest space that can be occupied must have an emergency escape and rescue opening at a maximum elevation of thirty two feet (32') above grade.

2. Institutional And Other Nonresidential Uses: Not more than forty five feet (45').

F. Ground Floor Area Per Dwelling:

1. One story: Not less than one thousand five hundred (1,500) square feet.

2. Bilevel: Not less than one thousand three hundred (1,300) square feet (floors at grade and above basement).

3. Dwellings having more than one story: Not less than one thousand (1,000) square feet.

G. Yards: Except as required in subsections 13-6A-1B and D of this chapter under "accessory uses and structures", yards shall be provided as follows:

1. Front: Not less than forty feet (40') in depth.

2. Side: Not less than twelve feet (12') in depth except:

a. A side yard abutting a street shall be not less than forty feet (40') in depth;

b. To accommodate a side load garage, the minimum side yard setback (on 1 side yard) must be at least twenty three feet (23'); the width of the pavement opposite of the garage door must be a minimum of twenty three feet (23');

c. For nonresidential uses each side yard abutting a street shall be not less than fifty feet (50') in depth and each interior side yard shall be not less than thirty feet (30') in depth and increased by not less than two feet (2') for each one foot (1') of structure height over thirty feet (30').

3. Rear: Not less than forty feet (40') in depth. (Ord. G-60, 3-22-1966; Ord. G-83, 4-9-1968; Ord. G-203, 12-14-1976; Ord. G-730, 9-23-2003; Ord. G-977, 8-14-2012)

13-6C-4: ADDITIONAL REGULATIONS:

A. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966)

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R3 SINGLE-FAMILY DETACHED RESIDENCE DISTRICT		
Standard For:	**Residential Use**	**Non-Residential Use**
Minimum Lot Area	25,000 sq. ft.	25,000 sq. ft.
Minimum Lot Width	100'	100'
Maximum Structure Height [4]	40' or 30' [1]	45'
Maximum Lot Coverage (Principal Structures)	0.20	0.20
Maximum FAR	0.4	0.4
Minimum Yard Setbacks		
Front Yard	40'	40'
Interior Side Yard	12' or 23' [2]	30' [3]
Street Side Yard	40'	50'
Rear Yard	40'	40'
Minimum Ground Floor Area per Dwelling		
Single Story	1,500 sq. ft.	-
Bilevel	1,300 sq. ft.	-
Two or more stories	1,000 sq. ft.	-

[1] For continuous flat roofs.

[2] Minimum interior yard setback to accommodate side load garage. Setback is measured from the farthest projection of the building, not the building foundation. The width of the pavement in front of the garage door must be a minimum of twenty-three feet (23').

[3] Increased 2' for each 1' of structure height over 30'

[4] Where residential building heights exceed thirty feet (30'), the highest space that meets the criteria of Sections R304, R305 & R311.4 for habitable space shall have an emergency escape and rescue opening in compliance with Section R310 at a maximum elevation of thirty two feet (32') above grade. This section shall be applied regardless of the usage designation on the construction documents, including "storage" or "bonus" rooms.

ARTICLE D. R4 SINGLE-FAMILY DETACHED RESIDENCE DISTRICT

SECTION:

13-6D-1: Permitted Uses

13-6D-2: Special Uses

13-6D-3: Lot Area Requirements

13-6D-4: Additional Regulations

13-6D-1: PERMITTED USES:

Permitted uses are those as in the R1 single-family detached residence district. (Ord. G-60, 3-22-1966)

13-6D-2: SPECIAL USES:

Special uses are those as in the R1 single-family detached residence district; and

Single-family detached, attached and semidetached dwellings, on parcels not less than fifty (50) acres in area, provided that the gross density of each such development shall not exceed three (3) dwelling units per acre; the structure heights shall not exceed thirty feet (30'); no structure shall contain more than two and one-half (21/2) stories; the ground floor living area per dwelling shall not be less than one thousand three hundred (1,300) square feet for a one story dwelling and nine hundred (900) square feet for a dwelling of more than one story; the minimum distance between principal buildings, as measured between bearing walls, shall be not less than twenty feet (20'), except that this distance may be reduced by two feet (2') if one of such walls encloses an attached garage or carport and by four feet (4') if each of such walls encloses an attached garage or carport; provided further, that each principal building shall be set back at least thirty feet (30') from dedicated public streets, off street loading and off street parking requirements shall be as provided in chapter 12 of this title; and provided that a preliminary development plan indicates sufficiently clearly the proposed streets, rights of way, lot sizes and setbacks, so that the village board in granting approval of such preliminary plan may clearly define the areas of any special restrictions it may wish to impose and that approval of the final subdivision plan shall be subject to same. (Ord. G-60, 3-22-1966)

13-6D-3: LOT AREA REQUIREMENTS:

A. Lot Area:

1. Not less than eighteen thousand (18,000) square feet, except that in subdivisions forty (40) acres or more in area, the lot area may be reduced to fifteen thousand (15,000) square feet provided that lands equal to ten percent (10%) of the total area be dedicated to the village, or agency approved by the village board, for park or recreational uses and no portion of which shall be less than four (4) acres.

2. For single-family detached dwellings, the dedicated land shall be appropriate for park or recreational uses, and shall not include wet drainageways in excess of twenty five percent (25%) of the total dedicated area.

B. Lot Width: Not less than seventy five feet (75') within the buildable area.

B. Floor Area Ratio: Not to exceed 0.4 ~~for nonresidential uses~~.

C. Maximum Lot Area Coverage (Principal Structures): Not to exceed .20.

E. Structure Height:

1. Residential Uses: Not more than thirty five feet (35') except for continuous flat roofs, which shall be not more than thirty feet (30') to the top of any parapet wall. However, where residential building heights exceed thirty feet (30'), the highest space that can be occupied must have an emergency escape and rescue opening at a maximum elevation of thirty two feet (32') above grade.

2. Institutional And Other Nonresidential Uses: Not more than forty five feet (45').

F. Ground Floor Area Per Dwelling:

1. One story: Not less than one thousand three hundred (1,300) square feet.

2. Bilevel: Not less than one thousand one hundred (1,100) square feet (floors at grade and above basement).

3. Dwellings having more than one story: Not less than nine hundred (900) square feet.

G. Yards: Except as required in subsections 13-6A-1B and D of this chapter under "accessory uses and structures", yards shall be provided as follows:

1. Front: Not less than thirty feet (30') in depth.

2. Side: Not less than ten feet (10') in depth except:

a. A side yard may be reduced to not less than eight feet (8') provided the adjoining lot contains a dwelling with an attached garage or carport adjacent to such side yard unless a side load garage is present;

b. A side yard abutting a street shall be not less than thirty feet (30') in depth;

c. To accommodate a side load garage, the minimum side yard setback (on 1 side yard) must be at least twenty three feet (23'); the width of the pavement opposite of the garage door must be a minimum of twenty three feet (23');

d. For nonresidential uses each side yard abutting a street shall be not less than thirty feet (30') in depth and each interior side yard shall be not less than thirty feet (30') in depth and increased by not less than two feet (2') for each one foot (1') of structure height over thirty feet (30').

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3. Rear: Not less than thirty feet (30') in depth. (Ord. G-60, 3-22-1966; Ord. G-66, 12-19-1966; Ord. G-83, 4-9-1968; Ord. G-203, 12-14-1976; Ord. G-608, 3-10-1998; Ord. G-730, 9-23-2003; Ord. G-977, 8-14-2012)

13-6D-4: ADDITIONAL REGULATIONS:

A. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966)

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R4 SINGLE-FAMILY DETACHED RESIDENCE DISTRICT		
Standard For:	**Residential Use**	**Non-Residential Use**
Minimum Lot Area	18,000 sq. ft.	18,000 sq. ft.
Minimum Lot Width	75'	75'
Maximum Structure Height [4]	35' or 30' [1]	45'
Maximum Lot Coverage (Principal Structures)	0.20	0.20
Maximum FAR	0.4	0.4
Minimum Yard Setbacks		
Front Yard	30'	30'
Interior Side Yard	10' or 23' [2]	30' [3]
Street Side Yard	30'	30'
Rear Yard	30'	30'
Minimum Ground Floor Area per Dwelling		
Single Story	1,300 sq. ft.	-
Bilevel	1,100 sq. ft.	-
Two or more stories	900 sq. ft.	-

[1] For continuous flat roofs.

[2] Minimum interior yard setback to accommodate side load garage. Setback is measured from the farthest projection of the building, not the building foundation. The width of the pavement in front of the garage door must be a minimum of twenty-three feet (23').

[3] Increased 2' for each 1' of structure height over 30'

[4] Where residential building heights exceed thirty feet (30'), the highest space that meets the criteria of Sections R304, R305 & R311.4 for habitable space shall have an emergency escape and rescue opening in compliance with Section R310 at a maximum elevation of thirty two feet (32') above grade. This section shall be applied regardless of the usage designation on the construction documents, including "storage" or "bonus" rooms.

ARTICLE E. R5 RESIDENCE DISTRICT

SECTION:

13-6E-1: Permitted Uses

13-6E-2: Special Uses

13-6E-3: Lot Area Requirements

13-6E-4: Additional Regulations

13-6E-1: PERMITTED USES:

Accessory uses and structures including those uses and structures customarily accessory to residential dwellings.

Duplexes.

Home occupations.

Nameplates and signs.

Parks and playgrounds.

Public schools, parochial school, nonboarding elementary, junior high and high, on lots not less than eight (8) acres in area for an elementary school and not less than twenty five (25) acres in area for a high school. (Ord. G-903, 11-10-2009)

13-6E-2: SPECIAL USES:

Cemeteries (subject to compliance with the regulations in chapter 16 of this title): Any existing cemetery and structure shall be deemed to have a special use permit as required by this section, notwithstanding whether these existing cemeteries and structures comply, as of January 22, 2013, with the provisions of chapter 16 of this title. Any expansion, change, or new construction relating to an existing cemetery and structure shall comply with chapter 16 of this title, but any such activity shall not require a new or amended special use permit, or other zoning relief, provided that the activities comply with chapter 16 of this title. Notwithstanding the foregoing, no special use permit granted pursuant to this section, whether for an existing cemetery and structure or for a new cemetery or structure, shall permit a community burial structure to be built in a residence district.

Churches, chapels, temples and synagogues: On lots not less than three hundred feet (300') in width and not less than two (2) acres in area and one additional acre for each two hundred forty (240) seats in the sanctuary over two hundred forty (240) seats. Where churches and parochial schools are on the same land, not less than eight (8) acres in area.

Cultural and recreational facilities: Outdoor and indoor cultural and recreational facilities including, but not limited to, swimming pools, tennis courts, meeting facilities and other similar facilities accessory to and owned in common by the owners of properties within a residential development.

Multi-family age-restricted dwellings, provided that the following conditions, in addition to those set forth in Zoning Ordinance Section 13-14-9, are met:

A. The petitioner must provide the Village with an analysis of the proposed development's anticipated impact on emergency services, including, without limitation, the anticipated cost of providing those services. In accordance with Section 1-14-1(B), all costs incurred by the Village reviewing the petitioner's analysis, including the costs of professional consultants, shall be borne by the petitioner;

B. The petitioner must provide the Village with a plan addressing how emergency service calls will be handled, including, without limitation, how the petitioner will assist the Village in handling the provision and/or cost of emergency services that are specifically and uniquely attributable to the proposed development, so as to protect the public health, safety, and welfare; and

C. The petitioner must provide the Village with a market study addressing the demand for the proposed development. The market study must take into account the local and county demand for the proposed development.

Public utility, transportation, and government facilities: Public utility, transportation, and governmental service facilities, including municipal offices and civic centers, public libraries, police and fire stations, public works facilities, conference of municipal governments and ancillary uses (including organizations which provide consultation solely to units of local government), and similar uses.

Recreational and cultural uses.

Residential townhomes and condominiums.

Senior housing including nursing homes, independent living, assisted living and congregate care facilities. (Ord. G-903, 11-10-2009; Ord. G-989, 1-22-2013; Ord. S-1559, 2-12-2019)

13-6E-3: LOT AREA REQUIREMENTS:

A. District Area: Not less than four (4) acres.

B. Density:

1. Duplexes: Gross density shall not exceed six (6) dwelling units per acre.

2. Residential townhomes and condominiums: Gross density shall not exceed eight (8) dwelling units per acre. Additional density bonuses shall be permitted for the inclusion of the following site amenities:

a. Underground parking (for all required parking spaces): Four (4) units per acre.

b. Open space in excess of thirty percent (30%) of the project area: Two (2) units per acre.

3. Senior housing including nursing homes, independent living, assisted living and congregate care facilities: Fifteen (15) units per acre.

a. Underground parking (for all required parking spaces): Four (4) units per acre.

b. Open space in excess of thirty percent (30%) of the project area: Two (2) units per acre.

C. Floor Area Ratio: Not to exceed 0.5 for nonresidential uses.

D. Maximum Lot Area Coverage (Principal Structures): Not to exceed .35 for residential use.

E. Structure Height:

1. Duplexes: Not more than thirty five feet (35') except for continuous flat roofs, which shall be not more than thirty feet (30') to the top of any parapet wall. However, where residential building heights exceed thirty feet (30'), the highest space that can be occupied must have an emergency escape and rescue opening at a maximum elevation of thirty two feet (32') above grade.

2. All other uses: Fifty feet (50').

F. Yards:

1. Front: Not less than forty feet (40') in depth.

2. Side: Not less than twenty feet (20') in depth except:

a. A side yard abutting a street shall be not less than forty feet (40') in depth;

b. To accommodate a side load garage, the minimum side yard setback (on 1 side yard) must be at least twenty three feet (23'); the width of the pavement opposite of the garage door must be a minimum of twenty three feet (23');

c. For nonresidential uses each side yard abutting a street shall be not less than thirty feet (30') in depth and each interior side yard shall be not less than thirty feet (30') in depth and increased by not less than two feet (2') for each one foot (1') of structure height over thirty feet (30').

3. Rear: Not less than forty feet (40') in depth. (Ord. G-903, 11-10-2009; Ord. G-977, 8-14-2012)

13-6E-4: ADDITIONAL REGULATIONS:

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A. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title with the following exceptions:

1. Off street parking for senior housing including nursing homes, independent living, assisted living and congregate care facilities shall be at a ratio not less than one parking space per dwelling unit. This parking ratio may be decreased upon the submittal of detailed parking study and review/approval by the village engineer. (Ord. G-903, 11-10-2009)

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R5 RESIDENCE DISTRICT

Standard For:	Residential Use	Non-Residential Use
Minimum Lot Area	4 acres	4 acres
Maximum Structure Height [4]	35' or 30' [1]	50'
Maximum FAR	1.0	0.5
Maximum Impervious Coverage	0.35	0.35
Maximum Lot Coverage (Principal Structures)	0.20	0.30
Minimum Yard Setbacks		
Front Yard	40'	40'
Interior Side Yard	20' or 23' [2]	30' [3]
Street Side Yard	40'	30'
Rear Yard	40'	40'

[1] For continuous flat roofs.

[2] Minimum interior yard setback to accommodate side load garage. Setback is measured from the farthest projection of the building, not the building foundation. The width of the pavement in front of the garage door must be a minimum of twenty-three feet (23').

[3] Increased 2' for each 1' of structure height over 30'

[4] Where residential building heights exceed thirty feet (30'), the highest space that meets the criteria of Sections R304, R305 & R311.4 for habitable space shall have an emergency escape and rescue opening in compliance with Section R310 at a maximum elevation of thirty two feet (32') above grade. This section shall be applied regardless of the usage designation on the construction documents, including "storage" or "bonus" rooms.

CHAPTER 7
BUSINESS DISTRICTS

SECTION:

13-7-1: Purpose

13-7-2: Establishment of Commercial Districts:

13-7-~~2~~3: Two Or More Uses On A Lot

13-7-4: Location or Retail Sales On-Premise:

13-7-5: Outdoor Sales and Uses:

~~13-7-3: Scope~~

~~13-7-4: Performance Standards~~

13-7-~~5~~6: Truck Parking

13-7-7: Outdoor Dining Areas

13-7-1: PURPOSE:

The business districts provide for groupings of business and other nonresidential establishments in accordance with their compatibility, functions and scope of service. The regulations of the various business districts are designed to govern developments ranging from the local shopping areas serving primarily residents of the village to those which serve the region. (Ord. G-60, 3-22-1966; Ord. G-514, 7-13-1993)

13-7-2: ESTABLISHMENT OF COMMERCIAL DISTRICTS:

B1 Local Shopping Center District – This district focuses on supplying the nearby residential uses with small to medium scale retail and service uses. This includes retail stores, personal services, and restaurants which are typically adjacent to residential neighborhoods.

B2 Regional Shopping Center District – This district focuses on providing a large range of retail sales opportunities to the regional population. This includes "big box" and specialty stores located at a central location which is accessed by automobile.

B3 General Business District – This district focuses on general retail and is typically located along major commercial corridors and not necessarily adjacent to residential uses. This district will see larger corporate stores and is more tailored to the automobile for transportation.

B4 Hotel-Office District – This district focuses on large scale hotel and office use developments as well as supportive uses. This district is intended to provide hotel guests

and office users a variety of commercial uses and services nearby without the use of an automobile.

REGULATIONS APPLICABLE TO ALL BUSINESS DISTRICTS

13-7-~~2~~3: TWO OR MORE USES ON A LOT:

Wherever two (2) or more permitted uses or special uses, each requiring a minimum lot area, are located in the same building or on the same lot, the required minimum lot area shall be the sum of the areas required for each use individually. When one or more uses has a required minimum lot area, the total lot area shall equal the sum of the required lot areas plus an additional area equivalent to that devoted to the use which does not have a required minimum lot area. (Ord. G-60, 3-22-1966; Ord. G- 514, 7-13-1993)

~~13-7-3: SCOPE:~~

13-7-~~3~~4: LOCATION OF RETAIL SALES ON-PREMISE:

A. All business establishments shall be retail trade or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced, except for approved specialty retail programs in outdoor areas of a shopping center in districts where permitted as a special use.

13-7-5: OUTDOOR SALES AND USES

~~B~~A. All business, service, storage, merchandise, display and where permitted, repair and processing shall be conducted wholly within a completely enclosed building except for:

1. Off street automobile parking, off street loading, and open sales lots and drive-in facilities in districts where they are permitted;

2. Outdoor dining areas adjacent to restaurants in districts where outdoor dining areas are ~~a~~ permitted ~~use;~~ and approved by the Development Services department;

3. Approved specialty retail programs in outdoor areas of a shopping center in districts where permitted as ~~a special use;~~ approved by the Development Services department;

4. Outdoor sales events on a property in any business district provided that all of the following conditions are met:

a. Any such use shall require the specific prior approval of the Development Services department on the basis of the adequacy of the lot size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Such event shall be of a limited duration (14 days or less per event) occurring no more than two (2) times in any calendar year; and

~~b. Such event is held in a temporary enclosure that received all required permits from the village; and~~

~~c~~b. Such event offers for sale only items that are normally sold inside the building in conformity with the principal use of the subject property; and

~~d~~c. Such event conforms to all signage and setback requirements of the underlying zoning district; and

~~e~~d. The property complies with all parking requirements of the underlying district, or, in the alternative, the petitioner reasonably demonstrates that notwithstanding any temporary noncompliance, the conduct of the event will not impose any undue traffic or parking burden on surrounding properties and streets; and

~~f~~e. Such event is approved by the ~~village board of trustees~~ Development Services department upon petition or request from the property owner detailing prospective compliance with the conditions herein~~; and~~.

~~5. Farmers' markets and/or French markets involving the sale of flowers, culinary accessories and edible items for consumption off the premises where the sale is made in districts where permitted as a special use.~~

5. Mobile Food Vendors/ Food Trucks are prohibited in the Village of Oak brook with the exception of special events as defined under, Chapter 12, Section 4-12-2.

B. ~~Goods sold shall consist primarily of new merchandise, except for antique shops. (Ord. G-60, 3-22-1966; Ord. G-572, 6-11-1996; Ord. G-721, 6-10-2003; Ord. G-870, 9-9-2008; Ord. G-915, 1-12-2010; Ord. G-1163, 4-28-2020)~~ The Following outdoor sales uses are prohibited:

1. Vending machines, including but not limited to the dispensing of food, rental movies or other multi-media, beverages, and other goods for retail sale.

C. Outdoor Storage

For all Commercial Districts, the following regulations apply to outdoor sales and uses:

1. No outdoor storage area shall be located between any principal structure and either its front or corner side lot line, except as specifically approved of by the Village Board during site plan review or planned development approval process after consideration by the Planning and Zoning Commission; and

2. All outdoor storage shall be enclosed by a screening fence, wall or densely planted evergreen hedge of a height sufficient to screen such containers or storage areas from view from adjoining properties and public or private streets.

~~13-7-4: PERFORMANCE STANDARDS:~~

~~All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products, shall conform with the performance standards established for the ORA office-research-assembly districts 1 . (Ord. G-60, 3-22-1966)~~

~~Notes~~

~~1 1. See section 13-10-3 of this title.~~

13-7-~~5~~6: TRUCK PARKING:

Trucks in excess of one and one-half (11/2) tons' capacity used in conjunction with the operations of any use permitted in business districts shall not be parked in the open within one hundred fifty feet (150') of a residence district boundary line, except during normal business hours. (Ord. G-60, 3-22-1966)

13-7-~~6~~7: OUTDOOR DINING AREAS:

A. For the purposes of this section, "outdoor dining areas" are defined as the use of an adjacent, outside area by a restaurant for the same eating and drinking activities that occur within the restaurant.

B. The following regulations shall apply to outdoor dining areas:

1. The location of any outdoor dining area comply with all setback requirements in the applicable zoning district and shall not obstruct pedestrian or vehicular traffic. A minimum of five feet (5') of sidewalk clearance shall be maintained at all times for pedestrian travel;

2. Any outdoor dining area be under the direct supervision and control of the principal restaurant, and such dining area be enclosed by a fence or other protective safety barrier which shall be constructed to clearly delineate the boundaries of the area and to protect the health and safety of restaurant patrons and the general public;

3. The hours of operation of any outdoor dining area be within the normal operating hours of the principal restaurant;

4. There shall be no live entertainment in the outdoor dining area;

5. Plans shall be provided delineating the location of the outdoor dining area, and such location be approved by the Building Official as part of a building permit. The outdoor dining area shall be maintained in compliance with the approved plans;

6. The principal restaurant and outdoor dining area shall be in compliance with all the requirements of this code and all other applicable rules and regulations of any other governing agency including the DuPage County Health Department regarding restaurant and outdoor dining areas. (Ord. G-1163, 4-28-2020)

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ARTICLE A. B1 LOCAL SHOPPING CENTER DISTRICT

SECTION:

13-7A-1: Permitted Uses

13-7A-2: Special Uses

13-7A-3: Lot Area Requirements

13-7A-4: Additional Regulations

13-7A-1: PERMITTED USES:

Accessory uses and structures, including, but not limited to, off street loading, off street parking and business signs.

Antique shops.

Audio and video equipment, retail sales thereof, including components and related accessories, installation and servicing of such products in motor vehicles and conducted entirely within an enclosed structure with service entry at the rear of the building with no overnight parking.

Bakeries, where not more than thirty percent (30%) of the floor area is devoted to processing.

Banks and financial institutions.

Barbershops and beauty parlors.

Book and stationery stores.

Camera and photographic supply stores and photographic studios.

Candy and ice cream stores.

Clinics, medical and dental, including accessory laboratories.

Drugstores.

Dry cleaning and laundry retail establishments; provided that processing, if done on the premises, shall utilize nonexplosive and noninflammable materials, and that such processing shall be limited to service of the principal use.

Fire stations.

Florist shops.

Food stores including grocery stores, meat markets and delicatessens.

Gift shops.

Haberdasheries.

Hardware stores.

Health clubs.

Hobby, toy and game shops provided amusement arcades are not permitted.

Home decorating stores.

Home furniture and furnishings stores.

Housewares stores.

Jewelry stores, including watch, clock and jewelry repair.

Launderettes, including automatic self-service dry cleaning equipment.

Libraries, branch.

Liquor stores with a minimum of ten thousand (10,000) square feet of retail space.

Luggage and leather goods stores.

Men's and women's accessory and specialty stores.

Music stores.

Offices: business, professional and public.

Optical goods stores.

Police stations.

Post offices.

Restaurants, including cocktail lounges and outdoor dining areas (as described in section 13-7-6 of this Code).

Schools: Commercial, business, trade, music and dance subject to the conditions that the permitted use is limited to second floor space of any building where a school is located and that the use is limited to a maximum of ten percent (10%) of the total square footage of the shopping center in which it is located provided that adequate parking is provided to accommodate such use.

Shoe stores.

Sporting goods stores.

Temporary buildings, for construction purposes for a period not to exceed ninety (90) days following completion of the development.

Travel bureaus and transportation ticket offices.

Variety stores.

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Wearing apparel shops. (Ord. G-60, 3-22-1966; Ord. G-444, 2-13-1990; Ord. G-778, 4-26-2005; Ord. G-835, 9-25-2007; Ord. G-901, 10-13-2009; Ord. G-1023, 5-13-2014; Ord. G-1163, 4-28-2020)

13-7A-2: SPECIAL USES:

Accessory uses and structures, including, but not limited to, off street parking and off street loading spaces and business signs.

Automobile service stations, on lots not less than twenty thousand (20,000) square feet.

Clubs, lodges, fraternities and community centers on lots not less than twenty thousand (20,000) square feet.

Daycare center, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the police department.

Drive-in banking facilities.

Farmers' markets and/or French markets involving the sale of flowers, culinary accessories and edible items for consumption off the premises where the sale is made provided that the following conditions are met:

A. Sale of used or preowned items is not permitted.

B. Farmers' market and/or French market may be conducted no more than one day per week on any property zoned for business purposes.

C. All signage and setback requirements of the underlying zoning district must be met.

D. The property on which the farmers' market and/or French market is conducted complies with all the parking requirements of the underlying zoning district or, in the alternative, the petitioner demonstrates that notwithstanding any temporary noncompliance, the conduct of the event will not impose any undue traffic or parking burden on surrounding properties and streets; and

E. The farmers' market and/or French market is approved by the Development Services department ~~of community development~~ upon application and submittal of all required information from the property owner detailing prospective compliance with the conditions herein.

Multi-family age-restricted dwellings, provided that the following conditions, in addition to those set forth in Zoning Ordinance Section 13-14-9, are met:

A. The petitioner must provide the Village with an analysis of the proposed development's anticipated impact on emergency services, including, without limitation, the anticipated cost of providing those services. In accordance with Section 1-14-1(B), all costs incurred by the Village reviewing the petitioner's analysis, including the costs of professional consultants, shall be borne by the petitioner;

B. The petitioner must provide the Village with a plan addressing how emergency service calls will be handled, including, without limitation, how the petitioner will assist the Village in handling the provision and/or cost of emergency services that are specifically and uniquely attributable to the proposed development, so as to protect the public health, safety, and welfare; and

C. The petitioner must provide the Village with a market study addressing the demand for the proposed development. The market study must take into account the local and county demand for the proposed development.

Office supply stores.

Public utility, governmental service and transportation uses:

Bus turnarounds and passenger shelters.

Electric distribution centers and substations.

Gas regulator stations.

Outdoor ATM (automated teller machine) walk-up or drive-thru

Sewage and stormwater lift stations.

Showrooms

Telephone exchanges and transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs.

Restaurants and accessory cocktail lounges, without facilities for dancing and live entertainment, on lots not less than two hundred feet (200') in width and not less than one and one-half (11/2) acres in area.

Senior housing and nursing homes on lots not less than three hundred feet (300') in width and not less than two (2) acres in area. (Ord. G-60, 3-22-1966; Ord. G-454, 10-9-1990; Ord. G-513, 6-22-1993; Ord. G-556, 7-11-1995; Ord. G-835, 9-25-2007; Ord. G-903, 11-10-2009; Ord. G-915, 1-12-2010; Ord. S-1559, 2-12-2019; Ord. G-1163, 4-28-2020)

13-7A-3: LOT AREA REQUIREMENTS:

A. Floor Area Ratio: Not to exceed 0.5.

B. Structure Height: Not more than fifty feet (50') and not more than two (2) stories.

C. Yards:

1. No structure, other than access drives and paved parking areas, and signs as provided in subsection 13-7A-4A of this article, shall be erected or maintained within the following distances:

a. Sixty feet (60') from the right of way of any public street;

b. Thirty feet (30') from a district boundary which abuts a public right of way which does not afford a primary means of access to the district; and

c. Sixty feet (60') from any other district boundary; except when adjacent to a B2 district boundary line; provided, however, that the area between a building and the right of way of any street or other district boundary may be occupied by drives, drive-in banking facilities, vehicular parking, sidewalks, landscaping and similar facilities, except paved parking, areas shall not be located closer than ten feet (10') to any lot in a residence district or ten feet (10') to any public street;

except that building shall be set back not less than one hundred feet (100') from the rights of way of York Road, 22nd Street and 31st Street.

2. For the purpose of interpreting and enforcing the yard regulations of this section, the entire area included within a B1 district, except that portion separated by a dedicated public street, shall be considered as a single zoning lot; more than one building or structure may, however, be erected thereon; and the only front, side and rear yards that need to be observed are those provided for in subsection C1 of this section. (Ord. G-60, 3-22-1966; Ord. G-513, 6-22-1993; Ord. G-778, 4-26-2005)

13-7A-4: ADDITIONAL REGULATIONS:

A. Awnings, Marquees And Signs: See chapter 11 of this title.

B. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966; Ord. G-85, 5-14-1968; Ord. G-513, 6-22-1993; Ord. G-695, 3-26-2002)

ARTICLE B. B2 REGIONAL SHOPPING CENTER DISTRICT

SECTION:

13-7B-1: Permitted Uses

13-7B-2: Special Uses

13-7B-3: Lot Area Requirements

13-7B-4: Additional Regulations

13-7B-1: PERMITTED USES:

Accessory uses and structures, including but not limited to storage and service areas within the structures, garages for delivery trucks, central heating and air conditioning plants, and

storage areas, yards, shops and similar facilities that are used solely for operating, servicing or maintaining the activities and improvements within the district.

Art galleries.

Automobile service stations and automobile sales, including show rooms, electric powering stations, fulfillment centers.

Banks and other financial institutions.

Barbershops, beauty parlors, and other aesthetic and personal wellness services, including but not limited to salons and spas.

Bus depots, cab stands, and pick-up/drop-off areas for ride- sharing services.

Candy, ice cream and bakery shops, and other shops selling food products, including but not limited to grocery stores, specialty food stores, butchers, delicatessens, health food stores, with or without accessory catering services, where the commodities may be produced on the premises; but all such production shall be either sold at retail on the premises or sold in stores owned and operated by the producing company.

Drugstores, pharmacies, and stores selling medical devices and homeopathic or herbal remedies (but not including medical cannabis dispensaries).

Data Center-Electronic data storage.

Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.

Gas regulator stations.

Hospitals, having not more than ten (10) beds and first-aid stations for the treatment of emergency cases, and outpatient medical and aesthetic service facilities and uses, including but not limited to medical and dental offices and clinics, rehabilitative exercise and training centers, cosmetic surgery services, physical therapy, massage, and chiropractic services.

Hotels.

Hybrid uses. While commercial occupants in the B2 District may operate a single principal use with one or more accessory uses, other commercial occupants may have business operations that are or become a hybrid of multiple principal uses of significant and possibly equal importance. Hybrid use shall not include showrooms. The following are provided by way of example and not limitation:

A. Restaurants, cocktail lounges and tearooms, coffee houses, banquet facilities, micro-wineries, micro-breweries, micro-distilleries and other businesses offering the sale of food and beverage may be combined with retail, catering, event planning, musical performances and karaoke, dance floors, bowling, bocce, pool and billiards, ping pong and similar table games, arcade games, outdoor dining areas (as described in section 13-7-6) and other forms of service, entertainment and recreation.

B. Retail stores and shops, including department stores, may operate and offer related and complementary on-site uses and services (including but not limited to repair services, internet purchase fulfillment services, restaurant and food service, classes, indoor special events and entertainment) and off-site services (including but not limited to event planning, catering and interior design).

C. Gyms, health clubs and other physical wellness facilities may be paired with restaurant and retail uses and offer nutritional and health classes, personal training and counseling, aesthetic services, and chiropractic, physical therapy, massage, medical services, including blood draws.

Interior decorating shops.

Job printing shops.

Laundries, dyeing and cleaning establishments, operated as an accessory use to some other use or uses permitted by this section, provided permits for the use of combustible and flammable materials, if to be used, are obtained from the Board of Trustees.

Laundries, self-service, and shops for the collection and distribution of laundry and dry cleaning articles.

Messenger and telephone service stations.

Offices.

Pet shops, grooming services, and veterinary clinics.

Photographer, artist or similar studios.

Post offices.

Printing plants, newspaper, magazine and similar publications.

Public and private garages.

Radio and television broadcasting stations.

Restaurants, cocktail lounges and tearooms, coffee houses, banquet facilities, micro-wineries, micro-breweries, outdoor dining areas (as described in section 13-7-6), and other businesses offering the sale of food and beverage (but not including micro-distilleries). Vertical and rooftop gardens that produce fruits, flowers and vegetables for on premises consumption and use.

Retail stores and shops, including department stores.

~~Sales and display rooms.~~

Schools, studios, classrooms, facilities and activities for personal or interactive learning, physical wellness and cultural enrichment, including but not limited to colleges, universities and test preparation services, art and craft classes, yoga and Pilates studios, gyms and physical fitness facilities, after- school programs for children, day camps, venues providing interactive entertainment and educational programming for children, and activity centers for seniors and

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adult learning. Structures for physical wellness uses are permitted to include, by way of example and not limitation, indoor and outdoor exercise and participant sports facilities, swimming pools, playgrounds, and climbing walls.

Service, cleaning and repair shops, for personal, household or garden equipment.

Tailor or dressmaking shops, and similar repair services.

Theaters, except open air drive-in establishments. (Ord. G-1112, 9-26-2017; Ord. G-1163, 4-28-2020)

13-7B-2: SPECIAL USES:

Amusement establishments that are not expressly listed as a permitted use under section 13-7B-1 of this article, such as spectator sports facilities, and are not otherwise prohibited by Village ordinance.

Automobile test drive areas that are designated exclusively as such and involve construction of specific physical improvements (as opposed to automobile testing within multi-functional vehicular areas).

Community centers that do not qualify as a permitted use under section 13-7B-1 of this article.

Daycare center, provided such facility complies with all licensing requirements of the State and maintains a direct alarm hookup to the Police Department.

Drive-in banking facility.

Electric distribution centers and substations.

Farmers' markets and/or French markets involving the sale of flowers, culinary accessories and edible items provided that the following conditions are met:

A. Sale of used or pre-owned items is not permitted unless allowed in the special use approval ordinance.

B. Farmers' market and/or French market may be conducted no more than one day per week unless otherwise allowed in the special use approval ordinance.

C. All signage and setback requirements of the underlying zoning district must be met.

D. The property on which the farmers' market and/or French market is conducted complies with all the parking requirements of the underlying zoning district or, in the alternative, the petitioner demonstrates that notwithstanding any temporary noncompliance, the conduct of the event will not impose any undue traffic or parking burden on surrounding properties and streets; and

E. The farmers' market and/or French market is approved by the ~~Department of Community~~ Development Services department upon application and submittal of all required

information from the property owner detailing prospective compliance with the conditions herein.

Micro-distilleries.

Specialty retail programs that do not qualify as a permitted use under section 13-7B-1 of this article.

Pre-schools, including nursery schools and kindergartens.

Public utility, governmental service, and transportation uses:

Bus turnarounds and passenger shelters.

Fire and police stations.

Outdoor ATM (automated teller machine) walk-up or drive-thru

Sewage and stormwater lift stations.

Showrooms

Telephone exchanges and transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs.

Specialty retail programs in outdoor areas of a shopping center as a convenience to pedestrian shoppers, provided: a) all aspects of the operation and sales meet the applicable requirements of the DuPage County Health Department; and b) specialty retail program facilities have appropriate utilities provided, are not convenient to drive-up businesses, and do not materially interfere with access to or visibility of other establishments within the shopping center.

Wireless communication towers. (Ord. G-1112, 9-26-2017; Ord. G-1163, 4-28-2020)

13-7B-3: LOT AREA REQUIREMENTS:

A. Floor Area Ratio: Not to exceed 0.5; provided, however, that with regard to any increase of floor area over 0.3, not more than twelve and one-half percent (121/2%) of permissible floor area in excess of 0.3 shall be devoted to office use as permitted under section 13-7B-1 of this article.

B. Yards:

1. No structure, other than signs as provided for in subsection 13-7B-4A of this article shall be erected or maintained within the following distances:

a. Three hundred feet (300') from the right-of-way of 22nd Street or Route 83 (Kingery Expressway);

b. Eighty feet (80') from the right-of-way of any other street;

c. Eighty feet (80') from any other district boundary, except when adjacent to a B1 District, and except that when adjacent to a residence district boundary line, then not within one hundred fifty feet (150') of such boundary line; provided, however, that the area between a building and the right-of-way of any street or other district boundary may be occupied by drives, drive-in banking facilities, vehicular parking, sidewalks, landscaping and similar facilities, except that paved areas shall not be located closer than forty feet (40') to any lot in a residence district.

2. For the purpose of interpreting and enforcing the yard regulations of this subsection, the entire area included within a B2 District, except that portion separated by a dedicated public street, shall be considered as a single zoning lot; more than one building or structure may, however, be erected thereon; and the only front, side and rear yards that need to be observed are those provided for in subsection B1 of this section. (Ord. G-60, 3-22-1966; Ord. G-229, 4-25-1978; Ord. G-414, 7-12-1988; Ord. G-513, 6-22-1993)

13-7B-4: ADDITIONAL REGULATIONS:

A. Signs: See chapter 11 of this title.

B. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966; Ord. G-85, 5-14-1968; Ord. G-695, 3-26-2002)

ARTICLE C. B3 GENERAL BUSINESS DISTRICT

SECTION:

13-7C-1: Permitted Uses

13-7C-2: Special Uses

13-7C-3: Lot Area Requirements

13-7C-4: Additional Regulations

13-7C-1: PERMITTED USES:

Accessory uses and structures.

Animal hospitals and veterinarian offices.

Art galleries.

Auction rooms.

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Automobile accessory stores.

Automobile sales establishments.

Automobile service stations.

Banks and other financial institutions.

Bicycle stores, sales, rental and repair.

Blueprinting and photocopying establishments.

Building material sales, not including outside storage.

Camera and photographic supply stores.

Carpet and rug stores.

Cartage and express facilities; provided storage of goods, motor trucks or other equipment is in a completely enclosed building.

Catering establishments.

China and glassware stores.

Clinics, medical and dental, including accessory laboratories.

Clothes pressing establishments.

Clothing stores.

Clothing and costume rental shops.

Clubs, lodges and fraternal organizations.

Cocktail lounges.

Coin and philatelic stores.

Department stores.

Drug stores.

Dry cleaning and laundry retail establishments; provided, that processing, if done on the premises, shall utilize nonexplosive, nonflammable materials, that such processing shall be limited to service of the principal use.

Electrical, gas and other household appliance stores, including radio and television sales and accessory repair and service thereof.

Electric distribution centers and substations.

Employment agencies.

~~Exhibition halls.~~

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Fire stations.

Food stores, including grocery stores, meat markets and delicatessens.

Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.

Furrier shops, including the incidental storage and conditioning of furs.

Garages, public, where body repair and painting are incidental accessory uses, but not including automobile wrecking yards.

~~Garages, storage.~~

Garden supply and seed stores.

Gas regulator stations.

Greenhouses and conservatories.

Hobby shops, for retailing of items to be assembled or used away from the premises.

Interior decorating shops, including upholstery and making of draperies, slipcovers and other similar articles when conducted as part of the retail operation and secondary to the principal use.

Jewelry stores, including watch repair.

Job printing shops, using presses having beds of not more than fourteen inches by twenty inches (14" x 20").

Kennels, with no outdoor dog runs.

Laboratories, medical, dental or optical.

Leather goods and luggage stores.

Libraries.

Liquor stores, retail sales of package goods only.

Loan offices.

Locksmith shops.

~~Mail order service stores.~~

Millinery shops.

Music stores, sheet music and phonograph record sales.

Musical instrument sales and repair.

Offices.

Office supply stores.

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Opticians and optometrists.

Orthopedic and medical appliance stores, not including the assembly or manufacture of such articles.

Paint and wallpaper stores.

Parking lots, for passenger motor vehicles only.

Pet service, domestic.

Pet shops.

Photography studios, including developing and printing of photographs, when conducted on the premises as a part of the retail business.

Physical culture and health service, gymnasiums, reducing salons, massage salons and public baths.

Picture framing, when conducted on the premises for retail trade.

Plumbing, heating, air conditioning and electrical fixtures and equipment, showroom and shops, for domestic use only.

Police stations.

Radio and television service and repair shops.

Recording studios.

Recreational buildings, community centers and meeting halls.

Religious institutions, churches, chapels, temples or synagogues.

Restaurants, including musical entertainment and dancing and outdoor dining areas (as described in section 13-7-6).

Schools, commercial or trade, provided that operations do not involve danger of fire, explosion, nor objectionable standards of noise, vibration, smoke, dust, odor, glare, heat or other nuisances.

Sewing machine sales and services, household machines only.

Shoe and hat repair stores.

Shoe stores.

Sporting goods stores.

Tailor shops.

Taxidermists.

Telegraph offices.

Theaters, indoor.

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Tobacco shops.

Toy shops.

Travel bureaus and transportation ticket offices.

Typewriter and adding machine sales and service establishments.

Undertaking establishments and funeral parlors. (Ord. G-60, 3-22-1966; Ord. G-520, 8-24-1993; Ord. G-1163, 4-28-2020)

13-7C-2: SPECIAL USES:

Accessory uses and structures, including, but not limited to, off street parking and off street loading spaces and business signs.

Amusement establishments, including bowling alleys, gymnasiums, swimming pools and skating rinks.

Automobile minimarket.

Daycare center, provided such facility complies with all licensing requirements of the state of Illinois and maintains a direct alarm hookup to the Oak Brook police department.

Drive-in establishments for permitted uses.

Farmers' markets and/or French markets involving the sale of flowers, culinary accessories and edible items for consumption off the premises where the sale is made provided that the following conditions are met:

A. Sale of used or preowned items is not permitted.

B. Farmers' market and/or French market may be conducted no more than one day per week on any property zoned for business purposes.

C. All signage and setback requirements of the underlying zoning district must be met.

D. The property on which the farmers' market and/or French market is conducted complies with all the parking requirements of the underlying zoning district or, in the alternative, the petitioner demonstrates that notwithstanding any temporary noncompliance, the conduct of the event will not impose any undue traffic or parking burden on surrounding properties and streets; and

E. The farmers' market and/or French market is approved by the Development Services department ~~of community development~~ upon application and submittal of all required information from the property owner detailing prospective compliance with the conditions herein.

Horse stables and riding academies, public, on a lot not less than ten (10) acres in area, provided buildings containing stables and accessory outdoor facilities are not less than one hundred fifty feet (150') from the nearest lot line.

Nursing homes, on lots not less than three hundred feet (300') in width and not less than two (2) acres in area.

Open sales lots, when accessory to new automobile, trailer or boat sales establishments.

Public utility, governmental service and transportation uses.

Bus turnarounds and passenger shelters.

Outdoor ATM (automated teller machine) walk-up or drive-thru

Sewage and stormwater lift stations.

Showrooms

Telephone exchanges and transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs.

Recreation, outdoor, par 3 and miniature golf courses, golf driving ranges, swimming and tennis clubs, and other outdoor recreation uses as approved by the village board of trustees.

Senior housing.

Trailer or boat sales establishments, for new trailer or boat sales. (Ord. G-60, 3-22-1966; Ord. G-305, 9-8-1981; Ord. G-449, 8-14-1990; Ord. G-454, 10-9-1990; Ord. G-819, 12-12-2006; Ord. G-903, 11-10-2009; Ord. G-915, 1-12-2010; Ord. G-1163, 4-28-2020)

13-7C-3: LOT AREA REQUIREMENTS:

A. Floor Area Ratio: Not to exceed 1.2.

B. Structure Height: Not more than thirty-five feet (35') and not more than three (3) stories.

C. Yards: As in B1 local shopping center district, except: 1) for automobile service stations where islands containing fuel pumps and air and water outlets, with or without connecting shelters, shall have a front yard, or a side yard adjoining a street not less than twenty five feet (25') in depth; and 2) front and side yards abutting 22nd Street and York Road shall have a depth not less than one hundred feet (100'). (Ord. G-60, 3-22-1966)

13-7C-4: ADDITIONAL REGULATIONS:

A. Awnings, Marquees And Signs: See chapter 11 of this title.

B. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966; Ord. G-695, 3-26-2002)

ARTICLE D. B4 HOTEL-OFFICE DISTRICT

SECTION:

13-7D-1: Permitted Uses

13-7D-2: Special Uses

13-7D-3: Lot Area Requirements

13-7D-4: Additional Regulations

13-7D-1: PERMITTED USES:

Accessory uses and structures including:

Restaurants and accessory cocktail lounges, and outdoor dining areas (as described in section 13-7-6) which is used principally for a permitted use, and when located on floors below those used for the principal use or on the top floor or roof of such a structure.

Retail sales and personal service uses, having no exterior advertising and accessible only from the lobby and interior of a building and used for a permitted principal use and when no single establishment occupies more than two thousand (2,000) square feet of floor area.

Electric distribution centers and substations.

Gas regulator stations.

Hotels and motels (minimum of 50 rooms).

Offices, institutional and fraternal.

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Sewage and stormwater lift stations.

Telephone exchanges and transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs. (Ord. G-60, 3-22-1966; Ord. G-1163, 4-28-2020)

13-7D-2: SPECIAL USES:

Accessory uses and structures.

Bus turnarounds and passenger shelters.

Daycare center, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the Oak Brook police department.

Farmers' markets and/or French markets involving the sale of flowers, culinary accessories and edible items for consumption off the premises where the sale is made provided that the following conditions are met:

A. Sale of used or preowned items is not permitted.

B. Farmers' market and/or French market may be conducted no more than one day per week on any property zoned for business purposes.

C. All signage and setback requirements of the underlying zoning district must be met.

D. The property on which the farmers' market and/or French market is conducted complies with all the parking requirements of the underlying zoning district or, in the alternative, the petitioner demonstrates that notwithstanding any temporary noncompliance, the conduct of the event will not impose any undue traffic or parking burden on surrounding properties and streets; and

E. The farmers' market and/or French market is approved by the Development Services department ~~of community development~~ upon application and submittal of all required information from the property owner detailing prospective compliance with the conditions herein.

Offices, business and professional, occupying less than fifty percent (50%) of the total floor area of a structure over five (5) stories in height, and when located on floors below those used for dwelling purposes.

Outdoor ATM (automated teller machine) walk-up or drive-thru

Sewage and stormwater lift stations.

Showrooms

Water filtration plants, wells, pumping stations and reservoirs. (Ord. G-60, 3-22-1966; Ord. G-454, 10-9-1990; Ord. G-915, 1-12-2010)

13-7D-3: LOT AREA REQUIREMENTS:

A. Floor Area Ratio: Not to exceed 0.6.

B. Yards:

1. Front: Not less than one hundred feet (100').

2. Side Yards And Courts:

a. Two (2) side yards each not less than ten feet (10'), plus one foot (1') for each one foot (1') in height that a structure exceeds twenty seven feet (27'), in height except a side yard adjoining a street shall be not less than fifty feet (50').

b. Where a building wall more than thirty feet (30') in length faces an interior side lot line, the interior yard as required in this article shall be increased in depth by one foot (1') for each one foot (1') such wall exceeds thirty feet (30') in length, or not more than twenty seven feet (27'), whichever is less.

c. Where the walls of one or more structures face upon a court, the depth and length of the court shall be as approved by the board of trustees after receiving recommendations of the plan commission.

3. Rear: Not less than forty feet (40') in depth.

4. Yards Adjoining Residence District: Any yard adjoining a residence district and a structure within the B4 hotel-office district shall be not less than one hundred feet (100') in depth.

5. Yards Adjoining 22nd Street And York Road: Not less than one hundred feet (100') in depth.

C. Height: Not more than five (5) stories.

D. Lot Width: Not less than two hundred feet (200'). (Ord. G-60, 3-22-1966)

13-7D-4: ADDITIONAL REGULATIONS:

A. Awnings, Marquees And Signs: See chapter 11 of this title.

B. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966; Ord. G-695, 3-26-2002)

CHAPTER 8
HISTORIC GRAUE MILL GATEWAY AREA

SECTION:

13-8-1: Findings

13-8-2: Graue Mill Gateway Area Established

13-8-3: Intent And Purpose

13-8-4: Definitions

13-8-5: Applicability

13-8-6: Certificate Of Appropriateness

13-8-7: Gateway Development Plan

13-8-8: Additional Requirements Of Gateway Development Plan

13-8-9: Action By Governmental Bodies

13-8-10: Implementation Of Gateway Development Plan

13-8-11: Exceptions To Plan Procedures

13-8-12: Procedure For Single-Family Detached Residences

13-8-1: FINDINGS:

A. The area around the Graue Mill is a unique area with special cultural significance and character different from similarity zoned properties in the Village and includes historic structures: the Graue Mill, the old St. John Church and the Fred Graue residence, which structures are hereby designated to be historically significant.

B. The preservation and development of this area require additional rules and regulations supplementing existing ordinances in order to specifically address the unique character of that area.

C. The Historic Graue Mill Gateway Area includes all that property within the boundaries as shown on the map and legal description labelled Exhibit "A", attached to Ordinance G-272 on file in the office of the Village Clerk. Such map and legal description are hereby incorporated herein and made a part hereof by reference.

D. A public hearing has been held pursuant to notice to property owners in the area of the Historic Graue Mill Gateway Area on February 2, 1980, before the Zoning Board of Appeals of the Village, pursuant to due and appropriate notice published in the Oak Brook Doings on January 17, 1980.

E. The creation of the Historic Graue Mill Gateway Area and rules and regulations regarding the development therein is consistent with the comprehensive plan of the Village of Oak Brook.

F. The Village of Hinsdale has passed on October 7, 1980, a similar ordinance so that the character of this area can be preserved in both Villages. This joint effort of the two (2) Villages is consistent with and in accordance with the provisions of section 10 of article VII of the Illinois Constitution relating to intergovernmental cooperation. (Ord. G-272, 11-11-1980)

13-8-2: GRAUE MILL GATEWAY AREA ESTABLISHED:

The Historic Graue Mill Gateway Area is hereby established with the boundaries as set forth in Exhibit "A", attached to Ordinance G-272, made a part of this Chapter by reference, and on file in the office of the Village Clerk. The provisions of this Chapter shall apply to the erection, construction, alteration or repair of any building or structure in the said area and no building permits shall be issued for any such work except as provided herein. (Ord. G-272, 11-11-1980)

13-8-3: INTENT AND PURPOSE:

The provisions of this Chapter are intended to order and control growth within the area described as the Historic Graue Mill Gateway Area, hereinafter sometimes referred to as "area", and for the additional purposes:

A. To promote the public health, safety, morals, comfort and general welfare of the citizens of said area.

B. To enhance the values of property throughout the said area.

C. To encourage and foster development in the area consistent with the Graue Mill, its site and the historic period it represents.

D. To encourage and promote the attractiveness, cohesiveness and compatibility of new buildings, development, remodeling, and additions so as to maintain and improve established standards of property values within the area consistent with its historical character.

E. To encourage and promote the preservation of historical structures, buildings and natural resources including the Graue Mill, the old St. John Church and the Fred Graue residence. (Ord. G-272, 11-11-1980)

13-8-4: DEFINITIONS:

For purposes of this Chapter the following words and terms shall have the respective meanings:

ARCHITECTURAL CHARACTER: The composite or aggregate of the characteristics of structure, form, materials, and function of a building, group of buildings, or other architectural composition.

ARCHITECTURAL CONCEPT: The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development, which produces the architectural character.

AREA: The Historic Graue Mill Gateway Area.

CERTIFICATE OF APPROPRIATENESS: A statement issued by the President and Board of Trustees of the Village that a gateway development plan meets the intent and purpose of the Historic Graue Mill Gateway Area which permits the applicant to build in accordance with the statement.

EXTERIOR BUILDING COMPONENT: An essential and visible part of the exterior of a building.

GATEWAY DEVELOPMENT PLAN: Those documents, drawings, and plans, including the site plan and landscape plan, as referred to in Sections 13-8-7 and 13-8-8 of this Chapter.

SCREENING: Structure or plantings which conceals from view from public ways the areas behind such structure or plantings.

STREET HARDWARE: Objects other than buildings, structures and plantings located in streets and public ways and outside of buildings. Examples are: lamp posts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

STREETSCAPE: The scene as may be observed along a public street or way composed of natural and manmade components including buildings, paving, plantings, street hardware, and miscellaneous structures.

VILLAGE: The Village of Oak Brook, Illinois. (Ord. G-272, 11-11-1980)

13-8-5: APPLICABILITY:

The provisions of this Chapter shall be in addition to and not in derogation of any provisions of the zoning ordinance of the Village; provided, however, that where any provision of the said zoning ordinance may conflict with a provision of this Chapter, the more restrictive provisions shall apply. (Ord. G-272, 11-11-1980)

13-8-6: CERTIFICATE OF APPROPRIATENESS:

A. Required: No building permit or other permit otherwise required under the ordinances of the Village for the erection, construction, exterior alteration or repair of any building or structure in the Historic Graue Mill Gateway Area shall be issued by the Director of ~~Community~~ Development Services except upon the issuance of a certificate of appropriateness by the President and Board of Trustees. Such certificate of appropriateness may only be issued after a public hearing has been held before the Plan Commission of the Village in accordance with the public hearing procedures set forth herein and after the

President and Board of Trustees of the Village approve the gateway development plan for the property involved.

B. Application And Hearing: Upon the filing of an application for a building permit for which a certificate of appropriateness is or may be required, the applicant shall concurrently file with the Village Clerk an application for a certificate of appropriateness, which application shall include all the information and material required pursuant to Sections 13-8-7 and 13-8-8 of this Chapter. Such application shall be referred to the plan commission by the president and board of trustees upon verification of the completeness of said application. The fact that an application for a certificate of appropriateness has been filed shall not be cause for the ~~d~~Director of ~~community d~~Development Services to delay the review of plans relating to the building and zoning aspects of the project while said application is pending. The plan commission shall thereupon fix a reasonable time, within forty five (45) days, for a hearing and give a written five (5) day notice thereof to the applicant. Upon such hearing the commission shall consider the application for a certificate of appropriateness and, if necessary, receive additional evidence (such as exterior elevation renderings) from the applicant or his agent or attorney and from the village personnel or other persons as to whether the external architectural features of the proposed building or structure comply with the provisions of this chapter. All testimony given at such hearing shall be under oath. (Ord. G-272, § 1, 11-11-1980)

13-8-7: GATEWAY DEVELOPMENT PLAN:

The gateway development plan must be appropriate to the development of the area consistent with its historic character and shall provide detailed information in regards to the following:

A. Relationship Of Proposed Buildings Or Structures To Site And Adjoining Area: The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, pedestrian movement, and parking areas, and shall be evaluated pursuant to the following criteria:

1. The provision, where practical, of setbacks in excess of zoning restrictions to provide an interesting relationship between buildings;

2. The treatment of parking areas with decorative elements, building wall extensions, plantings, berms or other innovative means so as to screen parking from view;

3. The underground installation of newly installed utility services, and service revisions necessitated by exterior alterations.

B. Building Design: Evaluation of the appearance of a project shall be based on the following criteria:

1. The quality of the design and its relationship to the Graue Mill, its site, and the historic period it represents;

2. The compatibility of the design, arrangement, texture, and materials of the proposed buildings or structures with the intent and purpose of the area;

3. The screening and location of mechanical equipment or other utility hardware on roof, ground, or buildings from public view with materials harmonious to the building, so as not to be visible from any public ways;

4. The unobtrusiveness and harmoniousness of exterior lighting and the compatibility of fixtures, standards, and all exposed accessories with the building design.

C. Street Hardware And Signs: See chapter 11 of this title.

D. Landscaping Design Considerations: Landscape treatment shall be provided to enhance architectural features and provide shade and screening, and shall be evaluated pursuant to the following criteria:

1. The compatibility of the design and size of all landscaping effects with the building or structure and adjacent areas;

2. The preservation, protection and development of existing topographic patterns and plant materials which contribute to the beauty and utility of a development;

3. Where building sites limit plantings, the placement of trees in the parkway or paved areas. Parkway trees shall be of a minimum three inch (3") caliper. Buildings of three (3) stories or more shall have parkway and front and/or side yard trees of a minimum of five inch (5") caliper;

4. The method of screening of service yards, and other places which tend to be unsightly, by fencing, plantings, or a combination of these. Screening shall be equally effective in all seasons and may be accomplished by use of any combination of walls, fencing or plantings;

5. The enhancement of parking areas and traffic ways with landscaped spaces containing trees and tree groupings and low shrubs or ground cover;

6. The use of unobstrusive exterior lighting to enhance the landscaping;

7. The use of landscaping materials and lighting which have low demand for annual maintenance.

E. Landscape Plan: A detailed landscape plan shall show:

1. Location of existing plant materials to remain and those to be removed;

2. Designation of parkway "street trees". Existing parkway trees shall be preserved and protected during construction;

3. Scientific (genus-species) and common names of proposed landscape material and proposed quantities and sizes of same;

4. Landscape materials other than plant materials shall be designated in detail.

The landscape plan shall be prepared by a landscape architect or qualified nurseryman in accordance with the criteria set forth in subsection D of this section. The plan shall be signed and dated by the designer.

F. Site Plan: A detailed site plan shall show:

1. Exact location of the building(s) or structure(s) on the site;

2. Exact location of drives, walks, parking areas, parking layout, freestanding or retaining walls, fences, and drainage accommodations;

3. Elevations showing all sides of the proposed structure. Elevations should indicate the type of materials to be used on the structure as well as their proportions;

4. Existing grades or topographic details to be retained and proposed grading;

5. Location of utilities. (Ord. G-272, 11-11-1980; Ord. G-695, 3-26-2002)

13-8-8: ADDITIONAL REQUIREMENTS OF GATEWAY DEVELOPMENT PLAN:

In addition to the information required pursuant to subsection 13-8-7F of this chapter, the following requirements must be met prior to the issuance of a certificate of appropriateness:

A. Visual Environment: In order to ensure an adequate and pleasant natural environment, a sum of money equal to not less than five percent (5%) of the total project construction cost, as set forth on the approved building permits, shall be budgeted and used by the owners and developers to purchase and install mature sized trees, shrubbery, grass and other suitable landscaping upon the grounds, which budgeted amount shall be expended to comply with the provisions of subsections 13-8-7D and E of this chapter. The president and board of trustees may vary from or waive the requirement for such expenditure where such expenditure would cause a hardship on the applicant. Hardship, for purposes of this chapter shall include, but not be limited to, the following situations:

1. Irregular shaped lots where landscaping is not practical;

2. Lots with minimal frontage;

3. Development does not cause any visual impact; e.g., development to the rear of a lot or building; and

4. Those instances where there is an abundance of existing natural vegetation precluding the necessity for further landscaping treatment.

B. Public Utilities: All utility lines, including, but not limited to, telephone and electric, in the right of way adjacent to and in the development property shall be placed underground. Underground utility lines shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. All transformer boxes and service posts shall be located so as not to be unsightly or hazardous. (Ord. G-272, 11-11-1980)

13-8-9: ACTION BY GOVERNMENTAL BODIES:

A. Plan Commission: Prior to making its decision the commission may make recommendations to the applicant as to changes in the exterior drawings, sketches, landscaping, site plans and materials which in the judgment of the commission would tend to effect the general purposes of this chapter. The commission shall make its decision within fifteen (15) days after the hearing is closed and shall issue to the president and board of trustees its findings and recommendation concerning the proposed gateway development plan. If the plan commission recommends denial of a gateway development plan it shall specifically point out such deficiency in its findings.

B. Corporate Authorities: The village president and board of trustees may approve or disapprove the proposed gateway development plan or refer the matter back to the plan commission for further consideration. Upon approval of any proposed gateway development plan the president and board of trustees shall issue a certificate of appropriateness as to the approved gateway development plan. (Ord. G-272, 11-11-1980)

13-8-10: IMPLEMENTATION OF GATEWAY DEVELOPMENT PLAN:

Upon granting of a certificate of appropriateness, the gateway development plan, including the exterior drawings, sketches, landscape and site plans, renderings and materials upon which said certificate was granted, shall be referred to the director of community development, whose responsibility it shall be to determine, from time to time as the project is in progress and upon its completion, that there have been no unauthorized deviations from the gateway development plan upon which the granting of the certificate of appropriateness was based. (Ord. G-272, 11-11-1980)

13-8-11: EXCEPTIONS TO PLAN PROCEDURES:

The requirements of this chapter for submission and approval of a gateway development plan and the issuance of a certificate of appropriateness shall not be applicable to:

A. Renovation, restoration and preservation of structures designated by the president and board of trustees as historically or culturally significant;

B. Ordinary repairs or interior renovations;

C. Renovations or additions to existing single-family detached residential buildings or structures accessory thereto. (Ord. G-272, 11-11-1980)

13-8-12: PROCEDURE FOR SINGLE-FAMILY DETACHED RESIDENCES:

Where a certificate of appropriateness is required, pursuant to subsection 13-8-6A of this chapter, for the construction of any single-family detached residence, the requirements of subsections 13-8-7D, E and 13-8-8A of this chapter shall not be applicable. (Ord. G-272, 11-11-1980)

CHAPTER 10
OFFICE-RESEARCH-ASSEMBLY DISTRICTS

SECTION:

13-10-1: Prohibited Uses

13-10-2: Uses Enclosed

13-10-3: Performance Standards

13-10-4: Outdoor Dining Areas

13-10-1: PROHIBITED USES:

A. ~~Industrial:~~ No lot shall be used, and no structure shall be erected, altered or remodeled for any of the following uses: abattoirs; arsenals; crematories; creosote treatment or manufacture; fat rendering; fertilizer manufacture; fireworks manufacture or storage; dumping or reduction of garbage, dead animals, offal, or refuse; ore reduction; petroleum processing or refining; pyroxylin manufacture; gutta percha manufacture or treatment; saltworks; sauerkraut manufacture; smelters; stockyard or slaughter of or experimentation with animals or fowl; tallow, grease, or lard manufacture or treatment; tanning, curing, or storage of rawhides or skins; tar distillation or manufacture; cement, concrete, or asphaltic concrete, mortar or plaster batch mixing plants; or junkyard or other uses having operations that are deemed by the board of trustees to be incompatible with the intended environmental character of the ORA office-research-assembly district, except clinical testing of animals of the rodent family or domesticated fowl is permitted if conducted within a separate room or rooms not to exceed two thousand (2,000) square feet of gross floor area which is part of a building used for research.

B. Explosives: No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the village. Such materials shall include, but shall not be confined to, all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN and pectic acid, propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles, perchloric acids; perchlorates, chlorates, hydrogen peroxide in concentrations greater than thirty five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239. (Ord. G-60, 3-22-1966; Ord. G-119, 5-12-1970)

13-10-2: USES ENCLOSED:

All business, service, research, merchandise display and manufacturing activities and operations shall be conducted wholly within completely enclosed buildings except off street parking, off street loading, outdoor dining areas adjacent to restaurants and open sales lots and drive-in facilities in districts where they are permitted. (Ord. G-60, 3-22-1966; Ord. G-758, 8-24-2004)

13-10-3: PERFORMANCE STANDARDS:

Any use established in the ORA1, ORA2 or ORA3 office-research- assembly districts shall be operated so as to comply with the performance standard regulations prescribed in this section, and no use lawfully established on the effective date hereof shall be hereafter altered or modified so as to conflict with, or further conflict with, such performance standards.

A. Noise: See section 13-3-10 of this title for performance standards pertaining to sound levels.

B. Vibration: Any operation or activity which shall cause at any time and at any point beyond the boundaries of the lot, earthborne vibrations other than background vibrations produced by some source not under control of this chapter, such as the operation of motor vehicles or other transportation facilities in excess of the limits set forth in the following column I is prohibited. In addition, any operation or activity which shall cause at any time and at any point in a residence district earthborne vibrations in excess of the limits set forth in the following column II is prohibited. Vibration shall be expressed as displacement in inches and shall be measured with a three (3) component measuring system approved by the ~~d~~Director of ~~community d~~Development Services.

Frequency In Cycles Per Second	I Displacement In Inches	II Displacement In Inches
0 to 10	0.0008	0.0004
10 to 20	0.0005	0.0002
20 to 30	0.0002	0.0001
30 to 40	0.0002	0.0001
40 and over	0.0001	0.0001

Impact vibrations which are discrete pulses that do not exceed one hundred (100) impulses per minute shall be permitted twice the displacements shown above in columns I and II.

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C. Smoke And Particulate Matter:

1. The emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.

2. For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann chart described in the bureau of mines information circular 6888 shall be employed. The emission of smoke or particulate matter of a density or equivalent greater than no. 1 on the Ringelmann chart is prohibited at all times except as otherwise provided hereinafter.

3. The emission of smoke or particulate matter of a density greater than Ringelmann no. 3 is permitted once in any twenty four (24) hour day for no more than three (3) minutes.

4. Wind generated dust from such sources as storage areas, yards, roads, and so forth, within lot boundaries shall be minimized by appropriate landscaping or all weather paving.

5. The emission of particulate matter from any chimney, stack, or vent shall not exceed one-fourth (1/4) pound per hour per acre of lot area.

D. Toxic Matter: No use shall discharge beyond the boundaries of the lot toxic matter in such concentrations as to be detrimental to, or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

E. Odors: The emission of odorous matter in excess of the odor threshold measured beyond the boundaries of the lot at ground level or at habitable elevation is prohibited.

F. Fire And Explosion Hazard:

1. The storage, utilization, or manufacture of solid materials ranging from incombustible to moderate burning is permitted.

2. The storage or utilization of solid materials ranging from free or active burning to intense burning is permitted provided the following conditions are met:

a. The materials shall be stored or utilized within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the village and the National Fire Protection Association.

b. All such buildings shall be set back at least forty feet (40') from all lot lines or, in lieu thereof, shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the village and the National Fire Protection Association.

c. Said materials, if stored outdoors, shall be no closer than one hundred fifty feet (150') to the nearest lot line in conformance with the standards and regulations of the village and the National Fire Protection Association.

3. The storage or utilization of flammable liquids or materials which produce flammable or explosive vapors shall be permitted in accordance with the following limitations, exclusive of storage in underground tanks, and storage of finished products in original sealed containers:

a. Said materials or products shall be stored or utilized within completely enclosed buildings having incombustible exterior walls, and handled in accordance with the standards and regulations of the village and the National Fire Protection Association and, in addition, all such buildings shall be set back at least forty feet (40') from all lot lines and shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the village and the National Fire Protection Association.

b. The aboveground storage of flammable liquids in excess of the following quantities shall not be permitted:

Closed Cup Flash Point	Quantity (Gallons)
Less than 24°F	1,000
24°F to less than 105°F	2,000
105°F to less than 187°F	5,000
187°F and higher	10,000

c. The total of all flammable liquids permitted on any lot shall not exceed ten thousand (10,000) gallons.

G. Glare And Heat: Any operation producing glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard beyond the boundaries of the lot.

H. Radiation Hazards:

1. The release of radioactive gases and particulate matter shall not exceed the maximum allowable concentration permitted the general population of applicable federal, state and local laws and regulations when measured at or beyond the lot line at ground level or habitable elevation.

2. No activity involving radiation hazards shall be permitted which causes exposure to persons at or beyond the lot lines in excess of the maximum allowable permitted the general population in applicable federal, state and local laws and regulations. (Ord. G-60, 3-22-1966; Ord. G-233, 5-31-1978; Ord. G-863, 7-22-2008)

13-10-4: OUTDOOR DINING AREAS:

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A. For the purposes of this section, "outdoor dining areas" are defined as the use of an adjacent, outside area by a restaurant for the same eating and drinking activities that occur within the restaurant.

B. The following regulations shall apply to outdoor dining areas:

1. The location of any outdoor dining area comply with all setback requirements in the applicable zoning district and shall not obstruct pedestrian or vehicular traffic. A minimum of five feet (5') of sidewalk clearance shall be maintained at all times for pedestrian travel;

2. Any outdoor dining area be under the direct supervision and control of the principal restaurant, and such dining area be enclosed by a fence or other protective safety barrier which shall be constructed to clearly delineate the boundaries of the area and to protect the health and safety of restaurant patrons and the general public;

3. The hours of operation of any outdoor dining area be within the normal operating hours of the principal restaurant;

4. There shall be no live entertainment in the outdoor dining area;

5. Plans shall be provided delineating the location of the outdoor dining area, and such location be approved by the Building Official as part of a building permit. The outdoor dining area shall be maintained in compliance with the approved plans;

6. The principal restaurant and outdoor dining area shall be in compliance with all the requirements of this code and all other applicable rules and regulations of any other governing agency including the DuPage County Health Department regarding restaurant and outdoor dining areas. (Ord. g-1163, 4-24-2020)

ARTICLE A. ORA1 OFFICE-RESEARCH-ASSEMBLY DISTRICT

SECTION:

13-10A-1: Permitted Uses

13-10A-2: Special Uses

13-10A-3: Lot Area Requirements

13-10A-4: Additional Regulations

13-10A-1: PERMITTED USES:

Accessory uses and structures, including storage and service areas within the structures, garages for delivery trucks, central heating and air conditioning plants, and storage areas, yards, shops and similar facilities that are used solely for operating, servicing or maintaining the activities and improvements within the lot on which the accessory use is located. Accessory uses and structures shall also include dwellings occupied by watchmen, janitors,

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maintenance and similar employees engaged upon the premises; but no dwellings shall be erected for any other purposes.

Any establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products, provided that operations conform with performance standards and other requirements of this title.

Churches, on lots not less than four (4) acres in area.

Data Centers

Electric distribution centers and substations.

Gas regulator stations.

Offices and financial institutions. (Ord. G-60, 3-22-1966)

13-10A-2: SPECIAL USES:

Clinics, medical and dental, including accessory laboratories.

Daycare centers, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the police department or other emergency dispatch center.

Drive-in banking facilities.

Health clubs, private, membership only, in multibuilding office complexes under single ownership or control on sites not less than ten (10) acres, when such facility is designed primarily for use by tenants of the office complex. Such structure shall not front on any perimeter road, and access thereto shall be provided only from interior roadways.

Heliports (not for freight) shall meet all of the standards as contained in subsection 13-10A-4C of this article.

Hotels.

Outdoor ATM (automated teller machine) walk-up or drive-thru

Parks and open field recreational activities.

Personal service and retail sales uses intended primarily for the use of tenants and having no exterior advertising and accessible only from the lobby or interior of the building, limited to:

Barbershops and beauty parlors.

Drugstores.

Newsstands; newspapers, magazines and other periodicals.

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Tobacco shops.

Public utility, governmental service and transportation uses:

Bus turnarounds and passenger shelters.

Emergency warning system structures.

Fire and police stations.

Post office operated by the United States government.

Sewage and stormwater lift stations.

Telephone exchanges, transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs.

Radio and television stations and production studios.

Restaurants with accessory cocktail lounges and outdoor dining areas, without facilities for dancing and live entertainment, in multibuilding office complexes under single ownership or control on sites not less than ten (10) acres, when such facility is designed primarily for use by tenants of the office complex. Such structure shall not front on any perimeter road, and access thereto shall be provided only from the interior roadways.

Schools, nonresidential, post baccalaureate school; provided, that not more than twenty percent (20%) of the course offerings may be prerequisite to admission to the post baccalaureate programs. (Ord. G-60, 3-22-1966; Ord. G-131, 5-25-1971; Ord. G-210, 2-8-1977; Ord. G-275, 1-20-1981; Ord. G-305, 9-8-1981; Ord. G-424, 1-24-1989; Ord. G-448, 7-10-1990; Ord. G-471, 8-13-1991; Ord. G-483, 3-10-1992; Ord. G-487, 5-12-1992; Ord. G-536, 7-12-1994; Ord. G-553, 3-14-1995; Ord. G-669, 1-23-2001; Ord. G-724, 7-22-2003; Ord. G-785, 6-28-2005; Ord. G-1163, 4-28-2020)

13-10A-3: LOT AREA REQUIREMENTS:

A. Floor Area Ratio: Not to exceed 0.48.

B. Structure Height: Not more than five (5) stories or seventy-six feet (76'), whichever is less.

C. Yards:

1. Front: Not less than one hundred feet (100') in depth, except when adjacent to a residence district boundary line not less than one hundred fifty feet (150') in depth;

2. Side: Not less than thirty feet (30') in depth, except: a) that portion of a side yard when abutting a residence district shall not be less than one hundred fifty feet (150') in depth; b) a side yard abutting a street shall conform in depth to the front yard depth of a contiguous lot

abutting on such street; and c) side yards abutting 22nd Street and York Road shall have a depth of not less than one hundred feet (100');

3. Rear: Not less than forty feet (40') in depth, except that portion of a rear yard abutting a residence district shall be not less than one hundred fifty feet (150') in depth, and except that a rear yard abutting an alley or service drive may be reduced by twenty feet (20') in depth;

4. Conservation/Recreation Districts: Notwithstanding anything contained in this title to the contrary, including, without limitation, section 13-3-13 of this title, any yard which is one hundred feet (100') in depth and which is adjacent in its entirety to a conservation/recreation district boundary shall satisfy the applicable yard requirement;

provided, however, that when a developed zoning lot which contains two (2) or more principal buildings is subdivided the yards required along the new lot lines created by the subdivision shall be not less than thirty feet (30') in depth and the depth of all required yards for each lot shall be shown on the subdivision plat; provided, that existing parking stalls and aisles and access and service drives shall be permitted to continue within said yards and within the yards along the boundaries of the original zoning lot required by subsections C1, C2 and C3 of this section, as modified by subsection 13-12-3H of this title; and provided further that upon redevelopment of any part of a lot, other than for resurfacing or for utility replacement, which development requires removal of existing parking stalls or aisles located in whole or in part within areas where such accessory uses are not permitted by said subsections as so modified, no new stalls or aisles shall be constructed in such areas except as permitted by said subsections as so modified, and any landscaping therein required by this title shall be promptly installed and properly maintained. (Ord. G-60, 3-22-1966; Ord. G-135, 5-22-1971; Ord. G-213, 3-22-1977; Ord. G-554, 5-9-1995; Ord. G-557, 7-25-1995; Ord. G-676, 4-10-2001)

13-10A-4: ADDITIONAL REGULATIONS:

A. Awnings, Marquees And Signs: See chapter 11 of this title.

B. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title.

C. Heliports 1 :

1. If the federal aviation administration has conducted an aeronautical study to determine the effect of the proposed heliport on the safe and efficient use of the navigable air space by aircraft and find no objection to the proposed heliport.

2. The layout and design of the heliport, including approach and departure paths, shall conform to the most current rules and regulations of the division of aeronautics, state of Illinois, department of transportation. Any approval for a heliport granted by the village shall be subject to evidence that said division of aeronautics has issued an order authorizing the applicant to proceed with construction of the heliport in accordance with plans approved by it; provided, however, that any waiver of such rules and regulations granted by said division

shall be subject to approval by the village. No permit for the construction of a heliport will be given until such an order has been issued by said division.

3. Hours of operation shall be from seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. Monday through Saturday. The heliport may also be used on Sunday, provided the village is advised seventy-two (72) hours in advance, and said use does not exceed one such use per month.

4. Approach and departure patterns from said heliport shall be limited to avoid operation over residential areas.

5. Refueling, routine maintenance and storage of helicopter, except for emergency purposes only, shall not be permitted at the heliport.

6. There will be no receiving or shipping of freight from said heliport, and there will be no on site storage of fuel.

7. Use of the heliport shall at all times comply with any specific requirements of the federal aviation administration or Illinois department of transportation in the certificate of approval or operation issued to the user of the heliport by such agencies.

8. Special use shall only be applicable to the applicant therefor and only so long as the applicant is occupying the subject property, provided, however, that pursuant to a special use permit application identifying a specific user occupying property adjacent to the subject property, the special use also may be made applicable to such user for so long as such user occupies adjacent property.

9. The applicant shall maintain at all times appropriate and sufficient insurance coverage relative to the installation and use of the heliport insuring against any property damage or personal injury arising therefrom with policy limits of not less than twenty million dollars ($20,000,000.00).

10. All such special uses shall be reviewed by the village every five (5) years for conformance with the conditions set forth herein, character of safety and extent of operations and any further relevant factors.

11. Helicopters utilizing a heliport shall fly at the maximum safe level prior to entering the approach pattern to the heliport.

12. Use of the heliport shall be made available to the village or its designees for emergencies.

13. A log of usage shall be submitted to the village on an annual basis, or as otherwise required by the village. (Ord. G-60, 3-22-1966; Ord. G-82, 4-9-1968; Ord. G-178, 12-9-1975; Ord. G-305, 9-8-1981; Ord. G-471, 8-13-1991; Ord. G-553, 3-14-1995; Ord. G-695, 3-26-2002)

Notes

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1 1. See section 13-10A-2 of this article, heliports as a special use.

ARTICLE B. ORA2 OFFICE-RESEARCH-ASSEMBLY DISTRICT

SECTION:

13-10B-1: Permitted Uses

13-10B-2: Special Uses

13-10B-3: Lot Area Requirements

13-10B-4: Additional Regulations

13-10B-1: PERMITTED USES:

Accessory uses and structures, including storage and service areas within the structures, garages for delivery trucks, off street parking, central heating and air conditioning plants, and storage areas, yards, shops, and similar facilities that are used solely for operating, servicing, or maintaining the activities and improvements within the district. Accessory structures and uses shall also include dwellings occupied by watchmen, janitors, maintenance and similar employees engaged upon the premises; but no dwelling shall be erected for any other purpose.

Permitted uses as allowed in the B2 regional shopping center district.

Permitted uses as allowed in the ORA1 office-research-assembly district. (Ord. G-60, 3-22-1966; Ord. G-758, 8-24-2004)

13-10B-2: SPECIAL USES:

Daycare centers, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the police department or other emergency dispatch center.

Drive-in establishments for retail banks and freestanding restaurants.

Heliports (not for freight) shall meet all of the standards as contained in subsection 13-10A-4C of this chapter.

Nonresidential, postbaccalaureate schools.

Outdoor ATM (automated teller machine) walk-up or drive-thru

Public utility, governmental service and transportation uses:

Bus turnarounds and passenger shelters.

Fire and police stations.

Sewage and stormwater lift stations.

Telephone exchanges, transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs. (Ord. G-980, 9-25-2012; Ord. G-1163, 4-28-2020)

13-10B-3: LOT AREA REQUIREMENTS:

A. Floor Area Ratio: Not to exceed 1.2 for office uses, financial uses and accessory uses thereto; 0.8 for other uses permitted in the ORA1 district; and 0.3 for uses as permitted in the B2 regional shopping district.

B. Structure Height: Not more than twelve (12) stories or one hundred seventy four feet (174'), whichever is less.

C. Yards:

1. Front: Not less than one hundred feet (100') in depth, except when adjacent to a residence district boundary line not less than one hundred fifty feet (150') in depth, provided that required front yards may be occupied by drives, sidewalks, landscaping and similar facilities.

2. Side: Not less than thirty feet (30') in depth, except: a) that portion of a side yard abutting a residence district shall be not less than one hundred fifty feet (150') in depth; b) a side yard abutting a street shall be not less than fifty feet (50') in depth; c) each interior side yard shall be increased by not less than one foot (1') for each one foot (1') of structure height over thirty two feet (32'); and d) side yards abutting 22nd Street and York Road shall have a depth of not less than one hundred feet (100'), provided that required side yards may be occupied by drives, vehicular parking, sidewalks, landscaping, and similar facilities provided that paved parking areas shall not be located closer than forty feet (40') to any lot in a residence district.

3. Rear: Not less than twenty feet (20') in depth, except that portion of a rear yard abutting a residence district shall be not less than one hundred feet (100') in depth, provided that required rear yards may be occupied by drives, vehicular parking, sidewalks, landscaping and similar facilities provided that paved parking areas shall not be located closer than forty feet (40') to any lot in a residence district. (Ord. G-60, 3-22-1966; Ord. G-213, 3-22-1977; Ord. G-557, 7-25-1995; Ord. G-758, 8-24-2004)

13-10B-4: ADDITIONAL REGULATIONS:

A. Awnings, Marquees And Signs: See chapter 11 of this title.

B. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966; Ord. G-695, 3-26-2002)

ARTICLE C. ORA3 OFFICE-RESEARCH-ASSEMBLY DISTRICT

SECTION:

13-10C-1: Purpose

13-10C-2: Permitted Uses

13-10C-3: Special Uses

13-10C-4: Lot Area Requirements

13-10C-5: Additional Regulations

13-10C-6: Procedures

13-10C-1: PURPOSE:

The ORA3 district is designed to permit and encourage orderly and attractive site planning in accordance with an overall design which provides for the preservation of natural site qualities, a high proportion of open space, and an arrangement of land uses and physical features into a harmonious design compatible with the surrounding area. It is intended that an area may be classified as an ORA3 district only when the following conditions are met:

A. Not less than fifty percent (50%) of the property shall be permanently devoted to open space which shall consist of planted areas (including planted surfaces of parking decks), forests, lagoons, watercourses, storm water swales and retention areas, pedestrian, bicycle, and bridle paths and walkways, with the maximum practicable retention of forests and other natural vegetation.

B. All buildings and parking, and other structures to the extent practical, will be substantially screened from public view from public streets and streets privately owned and maintained in residential developments in accordance with a landscaping plan to be submitted for approval by the village.

C. All roads and bridges will be retained in private ownership and constructed to meet village standards and maintained by the owner without cost to the village.

D. All access to and from the property can be constructed and maintained so that substantially all traffic generated will use commercial thoroughfares. (Ord. G-60, 3-22-1966)

13-10C-2: PERMITTED USES:

The following are permitted uses within the ORA3 district, but only to the extent that each such use is in accordance with an approved Planned ~~d~~Development ~~plan~~:

Accessory uses and structures including the following:

Central heating and air conditioning plants.

Daycare centers, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the police department or other emergency dispatch center.

Limited retail and service facilities.

Living quarters (not in separate residential buildings) solely for occupancy of watchmen, janitors, maintenance, and similar employees (and their families) employed in connection with the maintenance and security of the property and improvements thereon.

Lodging facilities (together with restaurant and accessory cocktail lounge) for the transient use of employees of the owner, its subsidiaries, affiliates, franchisees, and other business invitees.

Nonpublic meeting and conference facilities.

Private recreational use, such as tennis courts, putting greens, swimming pools, bowling alleys, racquetball courts, baseball diamonds, stables, bridle paths, and health facilities.

Public utility and transportation uses, such as:

Bus turnarounds and passenger shelters;

Electric distribution stations solely for serving the development;

Outdoor telephone booths;

Sewerage and storm water lift stations;

Wells and reservoirs.

Radio and television production studios.

Research and development facilities.

Storage, service, and maintenance buildings and areas.

Temporary buildings for construction purposes and construction equipment storage areas, for a period not to exceed thirty (30) days following completion of construction.

Hotels.

Office, business and professional; provided, however, that following completion of any phase and for five (5) years thereafter not more than thirty three percent (33%) of the office space

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shall be occupied by persons other than employees or business invitees of either: a) the owner, its successors or subsidiaries or affiliated corporations thereof, or joint venturers or partners of the owner; or b) tenants who are suppliers for or consultants to the owner.

Restaurants (which may include musical entertainment and dancing, cocktail lounges and tearooms) and outdoor dining areas (as described in section 13-10-4). (Ord. G-60, 3-22-1966; Ord. G-447, 4-24-1990; Ord. G-558, 7-25-1995; Ord. G-696, 6-11-2002; Ord. G-1163, 4-28-2020)

13-10C-3: SPECIAL USES:

Heliport (not for freight), shall meet all of the standards as contained in subsection 13-10A-4C of this chapter and may be located on a roof of a building of four (4) stories or less.

Not for profit, noncommercial performing and fine arts center.

Schools of music, fine arts, dance, theater, and other arts. (Ord. G-60, 3-22-1966; Ord. G-305, 9-8-1981)

13-10C-4: LOT AREA REQUIREMENTS:

A. Lot Area: Not less than twenty four (24) acres.

B. Floor Area Ratio:

1. Not to exceed 0.44 for permitted and accessory uses;

2. Not to exceed 0.01 for special uses.

C. Open Space:

1. Not more than twenty four percent (24%) of the property shall be covered by buildings, including parking structures.

2. Not less than fifty percent (50%) of the property shall be "open space" as defined in subsection 13-10C-1A of this article.

D. Structure Height: Not to exceed thirty five feet (35') or three (3) stories, whichever is less; provided, however, that parking structures may be above that height but shall not exceed the lesser of four (4) stories or forty feet (40') unless located within an office building structure; and that up to forty five percent (45%) of the total permitted office floor area may be above that height but shall not exceed the lesser of six (6) stories or seventy five feet (75'); and up to ten percent (10%) of the total permitted lodging facilities floor area may be above that height, but shall not exceed the lesser of five (5) stories or sixty feet (60').

E. Yards: No structure other than signs as provided for in subsection 13-10C-5A of this article, shall be erected or maintained within one hundred feet (100') from any boundary of said property, except that said area may be occupied by drives, vehicular parking, sidewalk,

landscaping, gatehouse entrance treatment and similar facilities, except that paved parking areas shall not be located on required yards adjacent to public streets or within forty feet (40') of all other boundary lines. (Ord. G-60, 3-22-1966; Ord. G-558, 7-25-1995)

13-10C-5: ADDITIONAL REGULATIONS:

A. Signs: See chapter 11 of this title.

B. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title, except that if the approved Planned ~~d~~Development ~~plan~~ shall reserve enough land area to satisfy the full requirements of chapter 12 of this title, then only sixty percent (60%) of the required parking for any phase of the development need be developed until and unless the village determines that the existing parking is inadequate. At such time, the owner shall construct additional parking spaces as required by chapter 12 of this title up to one hundred percent (100%). An amount equal to twenty percent (20%) of the parking provided for the development shall be located in an office building and/or in underground parking facilities decked over with architectural landscaping. (Ord. G-60, 3-22-1966; Ord. G-447, 4-24-1990; Ord. G-558, 7-25-1995; Ord. G-695, 3-26-2002)

13-10C-6: PROCEDURES FOR PLAN APPROVAL IN THE ORA-3:

~~A. The applicant shall concurrently file with the village clerk:~~

~~1. An application for rezoning of the property to an ORA3 office- research-assembly district classification; and~~

2. An application for approval of a proposed ~~development plan~~ Planned Development.

~~B. Such applications shall be processed in the manner provided in section 13-14-8 of this title.~~

~~C. The proposed development plan shall include the following:~~

~~1. A statement as to the following:~~

~~a. The period of time expected to be required to implement the development plan Planned Development, and each development phase necessary or desirable for full implementation thereof.~~

~~b. The total acreage allocated for each principal and accessory use, including, but not limited to, open space, office and other buildings and structures, parking and other accessory uses.~~

~~c. The conditions and limitations relating to the development of the property.~~

~~2. A plat setting forth graphically on a scaled drawing drawn to a scale not smaller than one hundred feet to one inch (1" = 100'), which shall include the following information:~~

a. The boundaries of the site and location of adjacent public streets;

b. The general location of proposed vehicular access points and internal private drives;

c. The proposed boundaries of areas within the site of: 1) open space areas where no building or parking lots will be permitted; 2) building areas where buildings and other structures and parking lots will be permitted;

d. The location of water channels, storm water detention areas, lakes and ponds;

provided, that prior to final approval of improvement plans as provided for in subsection E of this section, all of such areas shall be precisely defined.

D. The applicant shall also provide the following:

1. A statement of the planning objectives to be achieved by the development.

2. A plat of survey of the site.

3. A topographical analysis of the site with contour intervals of not more than two feet (2').

4. An aerial photograph of the site at a scale of not less than two hundred feet to the inch (1" = 200').

5. Information on existing water mains, sanitary sewers, storm sewers, storm water retention and runoff, stream channels, floodplains and floodways, lakes and ponds.

6. A study by traffic engineers providing information on the impact of the development on public streets and intersections.

7. A plat or map showing the land uses, physical features and zoning of all adjacent lands within four hundred (400) yards of the site.

E. Following final approval of the Planned dDevelopment plan for the site, no building permit shall be issued and no improvements shall be commenced until an improvement plan shall have been approved in the manner provided in the applicable provisions of the subdivision regulations 1 .

F. The owner of property zoned ORA3 may file from time to time applications for approval of proposed amendments to an approved Planned dDevelopment plan, which applications shall be processed in the manner provided in subsections B through E of this section. (Ord. G-60, 3-22-1966; Ord. G-233, 5-31-1978)

Notes

1 1. See title 14 of this code.

SECTION:

13-10D-1: Permitted Uses

13-10D-2: Special Uses

13-10D-3: Lot Area Requirements

13-10D-4: Additional Regulations

13-10D-1: PERMITTED USES:

Accessory uses and structures including:

Restaurants, accessory cocktail lounges, and outdoor dining areas (as described in section 13-10-4) over five (5) stories in height which is used principally for a permitted use, and when located on floors below those used for the principal use or on the top floor or roof of such structure.

Retail sales and personal service uses, having no exterior advertising and accessible only from the lobby and interior of a building (which is over 12 stories in height) and used for a permitted principal use and when no single establishment occupies more than two thousand (2,000) square feet of floor area.

Banks and financial institutions.

Electric distribution centers and substations.

Gas regulator station.

Offices. (Ord. G-60, 3-22-1966; Ord. G-842, 10-9-2007; Ord. G-1163, 4-28-2020)

13-10D-2: SPECIAL USES:

Daycare center, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the Oak Brook police department.

Heliports, not for freight, shall meet all of the standards as contained in subsection 13-10A-4C of this chapter. Additionally, the operation of said heliport shall meet the performance standards as contained in section 13-10-3 of this chapter.

Hotel or combination office and hotel.

Public utility, governmental service and transportation uses.

Bus turnarounds and passenger shelters.

Emergency warning system structures.

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Fire and police stations.

Outdoor ATM (automated teller machine) walk-up or drive-thru

Sewage and storm water lift stations.

Telephone exchanges, transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs. (Ord. G-60, 3-22-1966; Ord. G-454, 10-9-1990; Ord. G-483, 3-10-1992; Ord. G-747, 4-27-2004; Ord. G-1163, 4-28-2020)

13-10D-3: LOT AREA REQUIREMENTS:

A. Floor Area Ratio: Not to exceed 0.8.

B. Yards:

1. Front: Not less than one hundred feet (100') in depth, except when adjacent to a residence district boundary line not less than one hundred fifty feet (150') in depth.

2. Side: Not less than thirty feet (30') in depth, except: a) that portion of a side yard abutting a residence district shall be not less than one hundred fifty feet (150') in depth; b) a side yard abutting a street shall be not less than forty feet (40') in depth; and c) a side yard abutting 22nd Street shall be not less than one hundred feet (100') in depth.

3. Rear: Not less than forty feet (40') in depth, except that portion of a rear yard abutting a residence district shall be not less than one hundred feet (100') in depth and except that a rear yard abutting an alley or service drive may be reduced by twenty feet (20') in depth. (Ord. G-60, 3-22-1966; Ord. G-213, 3-22-1977)

13-10D-4: ADDITIONAL REGULATIONS:

A. Awnings, Marquees And Signs: See chapter 11 of this title.

B. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966; Ord. G-233, 5-31-1978; Ord. G-305, 9-8-1981; Ord. G-695, 3-26-2002)

ARTICLE E. O4 OFFICE DISTRICT

SECTION:

13-10E-1: Permitted Uses

13-10E-2: Special Uses

13-10E-3: Lot Area Requirements

13-10E-4: Additional Regulations

13-10E-1: PERMITTED USES:

Accessory uses and structures including:

Restaurants including outdoor dining (as described in section 13-10-4) and accessory cocktail lounges in a structure five (5) stories or more in height which is used principally for a permitted use, and when located on the ground or on floors below those used for the principal use or on the top floor or roof of such structure.

Retail sales and personal service uses when no single establishment occupies more than two thousand (2,000) square feet of floor area.

Buildings existing at the time of rezoning to O4 office district may be used for any of the uses permitted in the zoning district applicable to the property at the time of its rezoning; provided that in the event that: a) the structure is substantially damaged and the owner is not required by the lease or otherwise to restore the structure to its prior condition; or b) the structure is not occupied, used or leased for such purpose or purposes for a period of twelve (12) consecutive months, then its future use shall be limited to one or more of the uses permitted in this article, or, with the prior approval of the village board of trustees, to one or more of the special uses set forth in section 13-10E-2 of this article.

Electric distribution centers and substations.

Gas regulator station.

Office supply retail establishments.

Offices. (Ord. G-60, 3-22-1966; Ord. G-1163, 4-28-2020)

13-10E-2: SPECIAL USES:

Daycare center, provided such facility complies with all licensing requirements of the state and maintains direct alarm hookup to the Oak Brook police department.

Health clubs, private, membership only, in multi-building office complexes under single ownership or control on sites not less than ten (10) acres. Such structure shall not front on any perimeter road, and access thereto shall be provided only from interior roadways.

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Heliports, not for freight, shall meet all of the standards as contained in subsection 13-10A-4C of this chapter. Additionally, the operation of said heliport shall meet the performance standards as contained in section 13-10-3 of this chapter.

Hotel or combination office and hotel.

Medical offices.

Outdoor ATM (automated teller machine) walk-up or drive-thru

Mixed use development on properties not less than ten (10) acres in area subject to the following:

A. Authorized Uses:

1. Permitted; B1 District; Exceptions: All permitted uses authorized in the B1 local shopping center district, except that the following uses are not permitted:

Fire stations.

Launderettes, including automatic self-service dry cleaning equipment.

Libraries, branch.

Police stations.

2. Permitted; B-2 District; Exceptions: All permitted uses in the B-2 regional shopping center district, except that the following uses are not permitted:

Automobile service stations.

Electric distribution centers and substations.

Gas regulator stations.

Hospitals, having not more than ten (10) beds and first aid stations for the treatment of emergency cases.

Laundries, dyeing and cleaning establishments.

Laundries, self-service, and shops for the collection and distribution of laundry and dry cleaning articles.

Messenger and telephone service stations.

Printing plants, newspaper, magazine and similar publications.

Radio and television broadcasting stations.

Service, cleaning and repair shops, for personal, household or garden equipment.

3. Permitted; B-3 District; Exceptions: All permitted uses in the B-3 general business district, except that the following uses are not permitted:

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Animal hospitals and veterinarian offices.

Automobile accessory stores.

Automobile service stations.

Building material sales, not including outside storage.

Cartage and express facilities.

Clothing pressing establishments.

Clubs, lodges and fraternal organizations.

Coin and philatelic stores.

Electric distribution centers and substations.

Employment agencies.

Exhibition halls.

Fire stations.

Garages, public, where body repair and painting are incidental accessory uses, but not including automobile wrecking yards.

Garages, storage.

Gas regulator stations.

Greenhouses and conservatories.

Kennels, with no outdoor dog runs.

Laboratories, medical, dental or optical.

Libraries.

Locksmith shops.

Mail order service stores.

Orthopedic and medical appliance stores.

Pet service, domestic.

Physical culture and health service, gymnasiums, reducing salons, massage salons and public baths.

Plumbing, heating, air conditioning and electrical fixtures and equipment, showroom and shops, for domestic use only.

Police stations.

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Radio and television stations.

Recording studios.

Recreational buildings, community centers and meetings halls.

Religious institutions, churches, chapels, temples or synagogues.

Sewing machine sales and services.

Taxidermists.

Telegraph offices.

Typewriter and adding machine sales and service establishments.

Undertaking establishments and funeral parlors.

4. Special; B-1 District; Exceptions: All special uses authorized in the B-1 local shopping center district, except as specified in subsection A7 of this use.

5. Special; B-2 District; Exceptions: All special uses in the B-2 regional shopping center district, except as specified in subsection A7 of this use.

6. Special; B-3 District; Exceptions: All special uses in the B-3 general business district, except as specified in subsection A7 of this use.

7. Nonpermitted Uses: The following uses are not permitted, notwithstanding the provisions of the zoning regulations:

Amusement establishments, including gymnasiums, swimming pools and skating rinks.

Automobile minimarket.

Automobile service stations.

Clubs, lodges, fraternities and community centers.

Drive-in establishments for permitted uses.

Fire and police stations.

Gas regulator stations.

Horse stables and riding academies, public.

Nursing homes.

Open sales lots, when accessory to new automobile, trailer or boat sales establishments.

Recreation, outdoor, par 3 and miniature golf courses, golf driving ranges, swimming and tennis clubs, and other outdoor recreation uses as approved by the village board of trustees.

Water filtration plants, wells, pumping stations and reservoirs.

8. Additional Authorized Uses:

Bakeries, where not more than forty percent (40%) of the floor area is devoted to processing.

Barber shops and beauty parlors, day spas, tanning salons.

Clinics, medical, dental and optometric including accessory laboratories.

Drive-in and drive-through banking facilities.

Garden supply, retail.

Health clubs, including accessory uses such as daycare, spa services including tanning and salon, selling of goods including clothing, food, other items related to health and well being.

Indoor entertainment facilities, except for game rooms and pool rooms.

Offices: business, professional and public. Any such office use may also include a daycare center.

Retail food products sales facilities.

Seasonal, portable carts serving only limited menu foods and/or beverage items in outdoor areas of a shopping center as a convenience to pedestrian shoppers, provided that: a) all aspects of the operation and sales meet the applicable requirements of the DuPage County health department; and b) cart locations have appropriate utilities provided, are not convenient to drive-up business, and do not materially interfere with access to or visibility of other establishments within the shopping center.

Single-family attached dwellings.

~~B. Lot Requirements:~~

~~1. Yards:~~

~~a. Front: Not less than one hundred feet (100') in depth; provided that parking may be installed and utilized in this setback along York Road not less than thirty feet (30') of the property line; and further provided that canopies may encroach no more than eight feet (8') into any required front yard;~~

~~b. Rear: Not less than thirty feet (30'); provided that canopies may encroach no more than eight feet (8') into any required rear yard; and further provided that hotel and condominium canopies may encroach no more than fifteen feet (15') into any required rear yard;~~

~~c. Side: Not less than thirty feet (30'); provided that canopies may encroach no more than eight feet (8') into any required side yard; and further provided that hotel and~~

~~condominium entryway coverings may encroach no more than fifteen feet (15') into a required side yard;~~

~~provided, however, that when a developed zoning lot which contains two (2) or more principal buildings is subdivided the yards required along the new lot lines created by the subdivision shall be not less than thirty feet (30') in depth and the depth of all required yards for each lot shall be shown on the subdivision plat; provided, that existing parking stalls and aisles and access and service drives shall be permitted to continue within said yards and within the yards along the boundaries of the original zoning lot required by this subsection B1, as modified by subsection 13-12-3H of this title; and provided further that upon redevelopment of any part of a lot, other than for resurfacing or for utility replacement, which development requires removal of existing parking stalls or aisles located in whole or in part within areas where such accessory uses are not permitted by said subsections as so modified, no new stalls or aisles shall be constructed in such areas except as permitted by said subsections as so modified, and any landscaping therein required by this title shall be promptly installed and properly maintained.~~

~~2. Floor Area Ratio: Not to exceed 1.0.~~

~~3. Structure Height: Not more than sixteen (16) stories or one hundred eighty feet (180'), whichever is greater.~~

~~C. Parking And Loading: In a mixed use development containing hotel and/or office uses:~~

~~1. Up to thirty five percent (35%) of required parking spaces for all uses may have a minimum width of eight and one-half feet (8.5').~~

~~2. No more than fifteen percent (15%) of required parking spaces may be located within one hundred feet (100') of York Road.~~

~~3. Notwithstanding the provisions of subsection 13-12-3C of this title, the minimum aisle width shall be twenty four feet (24').~~

~~4. The following provisions shall govern driveways notwithstanding the provisions of subsection 13-12-3E of this title: Spacing between driveways shall be consistent with good engineering practice as reasonably determined by the village engineer and not less than thirty five feet (35').~~

~~5. The following provisions shall govern loading requirements, notwithstanding the provisions of section 13-12-7 of this title: Loading docks and loading berths are not required provided that off street loading areas are installed.~~

~~D. Signs:~~

~~1. Monument Signs:~~

~~a. One at fifteen feet by sixteen feet (15' x 16') (2 sided) with slots for tenant signage (240 square feet, each side, 480 square feet total).~~

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~~b. One at ten feet by sixteen feet (10' x 16') (2 sided) (160 square feet each side, 320 square feet total).~~

~~2. Directional And Miscellaneous/Wayfinding Signs:~~

~~a. Up to twenty (20) signs, each no more than twenty (20) square feet.~~

~~3. Restaurant And Retail Signs:~~

~~a. On building signage/entrance signage.~~

~~b. Gross surface area of all signs shall be no more than two (2) times the number of linear feet in the length of the building wall facing a public street.~~

~~c. On a corner or through lot, a sign may be erected along each street frontage.~~

~~d. Height of letters are limited to thirty six inches (36").~~

~~e. The sign shall not project more than thirty inches (30") from any facade or canopy and shall not be higher than the top of the building.~~

~~4. Blade Signage: The following sign provisions are available for each occupant of any nonresidential use:~~

~~a. Signage shall be no larger than eight (8) square feet.~~

~~b. Height of letters are limited to twelve inches (12").~~

~~c. Signage shall be at least eight feet (8') above the elevation of the sidewalk.~~

~~d. Signage shall project no more than sixty inches (60") from the facade.~~

~~5. Health Club Signs:~~

~~a. Building signage/entrance signage.~~

~~b. Gross surface area shall be no more than six hundred thirty (630) square feet.~~

~~c. Height of letters are limited to forty eight inches (48").~~

~~d. The sign shall not project more than thirty inches (30") from any facade or canopy and shall not be higher than the top of the building.~~

~~e. Health club may have three (3) building/entrance signs: two (2) on the building and one at the main entrance.~~

~~6. Hotel Signage:~~

~~a. Top of the building (north side): Up to one hundred forty (140) square feet.~~

~~b. Top of the building (south side): Up to sixty five (65) square feet.~~

~~c. Porte-cochere signage: Up to one hundred forty five (145) square feet.~~

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~~d. Ground sign: Up to three (3) square feet.~~

~~7. Condominium Signage:~~

~~a. Entrance Signage: The primary and secondary entrances may each have the following signage:~~

~~(1) Gross surface area shall be no more than two (2) times the number of linear feet in the length of the building wall facing a public street.~~

~~(2) Height of letters are limited to thirty six inches (36").~~

~~(3) The signs shall not project more than thirty inches (30") from any facade or canopy and shall not be higher than structure height.~~

~~b. Parking Signage For Condominiums:~~

~~(1) Limited to thirty (30) square feet.~~

~~8. Location Of Signs: Except for signs authorized in subsection D2 of this use, no ground sign may be closer than ten feet (10') from any lot line and no sign may be closer than three feet (3') from a driveway or parking area.~~

~~E. Landscaping: The following provisions shall govern requirements for landscaping notwithstanding the provisions of subsections 13-12-4B and C of this title:~~

~~1. Screening And Landscaping: The following landscaped and planted areas shall be provided and maintained for all parking areas:~~

~~a. Front Yards: Permanent screening at least two feet (2') in height shall be installed in front yard areas adjacent to parking areas. This screening may consist of a planted earth berm, shrubs or trees, or a combination of both.~~

~~b. Side And Rear Yards: Permanent peripheral screening at least two feet (2') in height shall be installed in side and rear yards adjacent to parking areas. This screening may consist of a planted earth berm, shrubs or trees, or a combination of both.~~

~~2. Lot Area: Landscaped areas shall occupy not less than ten percent (10%) of the total lot area.~~

Public utility, governmental service and transportation uses:

Bus turnarounds and passenger shelters.

Emergency warning system structures.

Fire and police stations.

Schools - nonresidential, postbaccalaureate school, provided that not more than twenty percent (20%) of the course offerings may be prerequisite to admission to the postbaccalaureate programs.

Sewage and stormwater lift stations.

Telephone exchanges, transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs. (Ord. G-60, 3-22-1966; Ord. G-710, 12-10-2002; Ord. G-827, 1-23-2007; Ord. G-914, 1-12-2010; Ord. G-1074, 4-12-2016; Ord. G-1163, 4-28-2020)

13-10E-3: LOT AREA REQUIREMENTS:

A. Floor Area Ratio: Not to exceed 0.8.

B. Structure Height: Not to exceed one hundred eighteen feet (118') or eight (8) stories in height, whichever is less.

C. Yards:

1. Front: Not less than sixty feet (60') in depth, except: a) when adjacent to a residence district boundary line not less than one hundred fifty feet (150') in depth; and b) when abutting 22nd Street or York Road not less than one hundred feet (100') in depth.

2. Side: Not less than thirty feet (30') in depth, except: a) that portion of a side yard abutting a residence district shall be not less than one hundred fifty feet (150') in depth; b) a side yard abutting a street shall be not less than forty feet (40') in depth; and c) a side yard abutting 22nd Street or York Road shall be not less than one hundred feet (100') in depth.

3. Rear: Not less than forty feet (40') in depth, except that portion of a rear yard abutting a residence district shall be not less than one hundred feet (100') in depth and except that a rear yard abutting an alley or service drive may be reduced by twenty feet (20') in depth. (Ord. G-60, 3-22-1966)

13-10E-4: ADDITIONAL REGULATIONS:

A. Awnings, Marquees And Signs: See chapter 11 of this title.

B. Off Street Parking And Loading: Off street parking and loading shall be as provided in chapter 12 of this title. (Ord. G-60, 3-22-1966; Ord. G-619, 9-22-1998; Ord. G-695, 3-26-2002)

CHAPTER 12

OFF STREET PARKING AND LOADING

SECTION:

13-12-1 : Scope Of Regulations

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13-12-2 : Permissive Parking And Loading Facilities

13-12-3: Off Street Parking Regulations

13-12-4 : Design And Maintenance

13-12-5 : Off Street Parking Spaces

Required 13-12-6: Handicap Parking

13-12-7 : Off Street Loading Regulations

13-12-8 : Parking For Damaged Or Destroyed Uses

13-12-1 : SCOPE OF REGULATIONS:

The off street parking and loading provisions of this chapter shall apply as follows, subject to the restrictions set forth in section 13-12-3 of this chapter:

A. Accessory off street parking and off street loading facilities shall be provided as required by the regulations of this chapter for all uses and structures established in each district after the effective date hereof. However, where a building permit has been issued prior to the effective date hereof, and construction is begun within ninety (90) days after such effective date and diligently prosecuted to completion, parking and loading facilities as required for the issuance of said building permit may be provided in lieu of any different amounts required by this chapter.

B. When the intensity of use of any structure or premises is increased through the addition of dwelling units, gross floor area or seating capacity parking and loading facilities for the addition shall be provided in the amount specified herein.

C. Whenever the existing use of a structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said structure was erected prior to the effective date hereof, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this chapter.

D. The design and engineering for all new or modifications to existing parking and loading facilities shall be approved by the village engineer prior to construction. (Ord. G-687, 10-23-2001)

13-12-2 : PERMISSIVE PARKING AND LOADING FACILITIES:

Nothing in this chapter shall be deemed to prevent the voluntary establishment of off street parking and loading facilities to serve any existing uses or structures, provided that all regulations herein governing the location, design, and operation of such facilities are followed. (Ord. G-687, 10-23-2001)

13-12-3 : OFF STREET PARKING REGULATIONS:

A. Existing Parking Facilities: Accessory off street parking facilities in existence on the effective date hereof and located on the same lot as the structure or use served shall not hereafter be reduced below the requirements for a similar new structure or use under the provisions of this chapter.

B. Location: After the effective date hereof, all off street parking spaces shall be located on the same lot as the building, structure or use of land served; however, off street parking spaces may also be located on a lot other than the lot on which the building, structure or use of land served is located, provided that said spaces are also within five hundred fifty feet (550') walking distance of such building, structure, or use of land. All off street parking spaces required for single-family residences shall be located on the same lot as the residence, provided that no required spaces may be located in any front or side yard.

C. Size And Aisles: Each required off street parking space shall have a width and length, exclusive of access drives or aisles, ramps, columns, or office and work areas in accordance with standards set forth below. Enclosed parking spaces shall have a vertical clearance ofat least seven feet (7'). Each required off street parking space shall open directly upon an aisle or driveway of a width and design in accordance with standards set forth below:

MINIMUM STANDARDS OF PARKING SPACES, AISLES AND PARKING BAYS FOR PARKING ACCESSORY TO NONOFFICE USES

45°	9'0"	12'9"	19'1"	12'0"	50'2"
60°	9'0"	10'5"	20'1"	17'0"	57'2"
75°	9'0"	9'4"	19'9"	22'0"	61'6"
90°	9'0"	9'0"	18'0"	27'0"	63'0"

Minimum Space Per Car:			Width 9'0" Length 18'0"		
	Parking Space And Aisle Dimensions:			Width Of Parking Bays[1]	
		Width Of	Depth Of Space		

Angle Of Parking	Width Of Space Feet And Inches	Space Parallel To Aisle, Feet And Inches	Perpendicular To Aisle, Feet And Inches	Width Of Aisle Feet And Inches	Head-In To Curb Feet And Inches

MINIMUM STANDARDS OF PARKING SPACES, AISLES AND PARKING BAYS FOR PARKING ACCESSORY TO OFFICE AND HOTEL USES

Minimum Space Per Car:			Width 8'6" Length 17'6"		
	Parking Space And Aisle Dimensions:			Width Of Parking Bays[2]	
Angle Of Parking	Width Of Space Feet And Inches	Width Of Space Parallel To Aisle, Feet And Inches	Depth Of Space Perpendicular To Aisle, Feet And Inches	Width Of Aisle Feet And Inches	Head-In To Curb Feet And Inches
45°	8'6"	12'0"	18'5"	12'0"	48'10"
60°	8'6"	9'10"	19'5"	16'0"	54'10
75°	8'6"	8'10"	19'1"	20'0"	58'2"
90°	8'6"	8'6"	17'6"	24'0"	59'0"

D. Timing Of Construction: All required off-street parking shall be constructed in accordance with the design criteria of this chapter and shall be improved and ready for use as a condition of occupancy for the structure, issuance of additional permits or use of land. However, the property owner may request approval from the ~~d~~Director ~~of community D~~development Services, to initially construct no less than seventy five percent (75%) of the required parking as a condition of occupancy with the remaining required spaces to be set aside and constructed when the parking demands for the site as determined by the village, require the construction of the set aside parking spaces. Prior to occupancy, a written covenant agreeing to construct the set aside parking spaces shall be submitted to the village for review and approval. Once approved, this document shall be filed for recording in the office of the county recorder of deeds and shall run with the parcel of land.

E. Access: All off-street parking facilities shall be provided with appropriate means of

vehicular access to a street in accordance with regulations set forth below:

ACCESS DRIVEWAYS FROM STREETS TO

OFF-STREET PARKING AND LOADING SPACES

1. Width of driveways (measured at the lot line adjoining a street):

a. Residential Uses: Not less than nine feet (9') wide or more than twenty feet (20') wide.

b. Nonresidential Uses:

(1) Not less than twelve feet (12') wide or more than twenty two feet (22') wide for a one-way driveway.

(2) Not less than twenty two feet (22') wide or more than twenty five feet (25') wide for a two-way driveway serving twenty (20) or fewer parking spaces or one loading berth.

(3) Not less than:

(A) Twenty four feet (24') wide or more than thirty eight feet (38') wide for a two-way driveway (2 lanes out and 1 lane in) without a median; or

(B) Twenty four feet (24') wide or more than forty four feet (44') wide for a two-way driveway (2 lanes out and 1 lane in) with a median, serving more than twenty (20) parking spaces or two (2) or more loading berths.

2. Radius connecting street pavement edge and driveway edge:

a. In Residential Districts: Not less than two feet (2').

b. In All Other Districts: Not less than fifteen feet (15').

3. Angle at intersection of a driveway and street: The acute angle formed at the intersection of driveway and street pavement edges shall be not less than sixty degrees (60°). The required turning angle for a vehicle entering or leaving a driveway shall not exceed ninety degrees (90°).

4. Spacing between separate driveway entrances on a lot (measured center to center at the lot line adjoining a street): no less than forty percent (40%) of the length of the lot line adjoining the street, or four hundred feet (400'), whichever is less.

5. On corner lots, spacing between driveway entrance and right- of-way line of an adjacent intersecting street (measured from the nearest edge of the driveway pavement at its intersection with the street pavement to the nearest right-of-way line, extended, of an adjacent intersecting street): no less than twenty percent (20%) of the length of the lot line adjoining the street being entered.

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F. Use: Accessory off-street parking facilities, as accessory to specific uses listed in this chapter, shall be solely for the parking of automobiles of patrons, occupants or employees. When bus transportation is provided for patrons, occupants or employees of a specific establishment, additional open or enclosed off-street parking spaces for bus parking on the premises shall be provided in accordance with all other regulations set forth in this chapter.

G. Computation: When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded while a fraction in excess of one-half (1/2) shall be counted as one parking space.

H. In Yards: Off-street parking spaces, open to the sky, in nonresidential districts, may be located in required interior side yards and rear yards, no less than ten feet (10') from the nearest lot line, except a parking area containing four (4) or more parking spaces shall be not less than forty feet (40') from an adjoining residence district boundary; provided, however, that:

1. On any lot in a B1 local shopping center district and a B3 general business district, the required off-street parking spaces may be located in a front yard or side yard adjoining a public street not less than ~~ten~~ forty feet (40') from ~~a street~~ the property line;

2. On any lot in ORA1 or ORA2 office-research-assembly district and an O3 or O4 office district, not more than ten percent (10%) of the required off-street parking spaces, not to exceed six (6) spaces, may be located in a required front yard or along the side of the building adjoining the street and not less than ~~twenty five~~ forty feet (~~25~~40') from ~~a street line~~ the property line or fifty feet (50') from the ~~street lines~~ right-of-way line of ~~Cermak~~ 22nd Street and York Road; and

3. On any lot in an ORA3 office-research-assembly district, the location of off-street parking spaces shall be controlled by subsection 13-10C-4E of this title and not the provisions of this subsection H.

I. Parking Of Certain Commercial Vehicles And Equipment In Residence Districts Prohibited: No motor vehicle bearing ambulance, funeral home, livery, taxi or tow truck state license plates shall be stored or parked on any lot in any residence district, unless such motor vehicle(s) is wholly enclosed in a building or such vehicle is being used in connection with a legitimate service actually being rendered for the benefit of such lot. No motor vehicle having a gross vehicle weight (including vehicle and attached equipment and maximum load) 3 in excess of eight thousand (8,000) pounds, except vehicles registered as recreational vehicles under the Illinois motor vehicle code, and no contractor's equipment, supplies or tools, shall be stored or parked on any lot in any residence district, unless:

1. Such vehicle, equipment, supplies or tools are wholly enclosed within a building; or

2. Such vehicle, equipment, supplies or tools are being used in connection with a legitimate service actually being rendered for the benefit of such lot.

J. Collective Provision: Off-street parking facilities for separate uses located in a

principal building on a single parcel may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. In addition, any parcel of land that has excess parking beyond what is required by this chapter may allocate excess parking capacity to any parcel or use that is directly contiguous to it under a shared parking arrangement if it meets the applicable requirements of this chapter. Such arrangement must be in written form with notification provided to the village.

K. Control Of Off-Street Parking Facilities: In cases where parking facilities arepermitted on a lot other than the lot on which the structure or use served is located, a covenant running with the land must be recorded in the office of the recorder of deeds of DuPage County, Illinois, on the lot upon which the accessory off-street parking is located which prohibits any other use on that lot, and a copy of the recorded covenant certified by the office of the recorder of deeds of DuPage County, Illinois, shall be deposited with the ~~d~~Director of ~~community d~~Development Services. The covenant shall not be released until such time as either one of the following conditions occurs:

1. The structure on the lot containing the principal use is removed and the principal use terminated.

2. Another lot of the required size within the required distance is properly developed and used for the required accessory off- street parking in place of and in lieu of the initial lot used for accessory off-street parking with the same requirements, covenants, and conditions attaching to such substitute accessory use lot as approved by the same authority as required for approval of such initial lot.

L. Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

M. Repair And Service: Except in cases of emergency, no motor vehicle repair work or service of any kind shall be permitted in off-street parking areas. No gasoline or motor oil shall be sold or services performed in conjunction with any accessory parking facilities unless such facilities are located within a completely enclosed structure, in which case gasoline and motor oil may be sold within such structure to the users of such facilities, provided that no sign thereto is visible from outside the structure and provided further that all gasoline pumps shall be effectively screened from view of streets and residence districts. (Ord. G-687, 10-23-2001; Ord. G-758, 8-24-2004)

N. Shared Parking Reductions – Mixed-Use Developments: Cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined that the peak requirement of the several occupancies occurs at different times during the day. The Shared Parking Report, January 1995, 2nd Edition, published by the Urban Land Institute may be used as a guideline in the estimation of parking demand. For a shared parking arrangement, the Director of Development Services may make an administrative adjustment that reduces the off-street parking requirements for each participating

commercial property by a maximum of 15%.

Notes

1. Parking bay consists of 2 rows of parking spaces and 1 aisle.
1. Parking bay consists of 2 rows of parking spaces and 1 aisle.
1. Equivalent to Illinois motor vehicle registration class C and higher, second division vehicles.

13-12-4 : DESIGN AND MAINTENANCE:

A. Surfacing: Except in the R1 and R2 single-family residential zoning districts where off street parking areas can be either stone or hard surfaced, all off street parking areas shall be improved with an all weather hard surface pavement installed in accordance with the village of Oak Brook public works construction standards.

~~B. Screening And Landscaping: The following landscaped and planted areas shall be provided and maintained for all parking areas:~~

~~1. Front Yards: Permanent screening at least four feet (4') high shall be installed in front yard areas adjacent to parking areas. This screening may consist of a planted earth berm, densely planted shrubs or trees, or a combination of both.~~

~~2. Side And Rear Yards: Permanent peripheral screening at least five feet (5') high shall be installed in side and rear yards adjacent to parking areas. This screening may consist of a planted earth berm, densely planted shrubs or trees, or a combination of both. In side and rear yards, the screening shall be so located and constructed as not to interfere or conflict with the use of any utility easements or utility installations existing or planned to be installed in these easement areas.~~

~~C. Interior Parking Lot Landscaping: Landscaped areas shall occupy not less than ten percent (10%) of the total lot area excluding:~~

~~1. The building footprint or footprint of other structures,~~

~~2. All required front yard or street setback areas, and~~

~~3. Any required landscape areas along rear lot lines.~~

~~In parking areas which are wider than one bay of double parking, interior shade trees shall be planted with a maximum spacing of forty feet (40'), provided that at least one tree is located in the area occupied by every fifteen (15) interior parking spaces. Landscaped dividers with a minimum width of six feet (6') shall be provided between every three (3) parking bays. Individual permanent planter areas (minimum size of 8 feet 6 inches by 17 feet) are required for interior trees with a minimum caliper of three inches (3"), which shall be of a variety which do not drop a messy fruit (see village of Oak Brook public works construction standards for list of appropriate trees).~~

~~D~~B. Landscape Plans: Complete detailed landscaping plans shall be submitted for approval showing type, Latin and common names, size and location of planting material, in accordance with the requirements and standards of Chapter 18.

~~E~~C. Lighting: Illumination of an off street parking area shall be arranged so as not to project direct rays of light or glare into any roadway or adjacent property. Intensity of illumination of parking areas shall be in accordance with the village of Oak Brook public works construction standards. All lighting for business and office uses adjacent to residential districts shall be extinguished or reduced in intensity, not later than thirty (30) minutes after the close of business of the use being served.

~~F~~D. Disposal Of Storm Water: Adequate provision shall be made for the management of storm water in accordance with village standards so that such water shall not flow into adjacent property or onto or across sidewalks in a quantity or manner that would be detrimental thereto or inconvenient to persons using the sidewalks.

~~G~~E. Permanent Curbing: Continuous permanent concrete curbing conforming to the village of Oak Brook public works construction standards shall be provided adjacent to all driveway, loading and parking pavement associated with nonresidential uses.

~~H~~F. Striping And Traffic Circulation: Parking spaces shall be delineated by a single white or yellow line. For one-way movements along aisles and driveways, direction of movement shall be indicated by pavement markings or directional signs or both as determined by the village.

IG. Pedestrian Safety: In order to ensure pedestrian safety, where parking stalls are not aligned perpendicular to the primary pedestrian objective or where pedestrians will be required to cross parking aisles, a pedestrian walkway at least five feet (5') wide and clearly indicated by pavement markings shall be provided at intervals not to exceed two hundred feet (200').

~~J~~H. Parking Structures:

1. ~~Landscaping And Screening: All parking structures shall be landscaped (which includes 1 or more berms) pursuant to a landscape plan prepared by a landscape architect to screen substantially the first level from adjacent streets and other uses. For any parking structure that is four (4) floors or less in height, the landscaped area must be a minimum of ten feet (10') in depth but must average fifteen (15) in depth for all screening. For any parking structure that is in excess of four (4) floors, the landscaped area must be a minimum of twenty feet (20') in depth. Any approved landscape plan required for screening of a parking structure must incorporate evergreens within the plantings and include a maintenance schedule to ensure that any damaged or dead trees, shrubs or ground cover shall be replaced promptly. Regular maintenance of these landscaped areas shall also be required.~~

~~2~~1. Architecture/Design: All exterior walls of such structures, which are visible from adjacent roadways, shall be finished with a material to maintain a "common architectural character", as defined in section 13-8-4 of this title, with the principal building. Maintaining

common architectural character between the parking structure and the principal building(s) shall be judged in terms of: building form and materials; the pattern, size, shape, and number of window openings; the glazing or screening of window openings; and surface treatments such as cornices, moldings, reveals and sills.

~~3~~2. Lighting: Parking structures with light standards on the top floor of the structure shall be located in the center aisle of the deck and shall be of appropriate design and scale. Low profile lighting should be used around the perimeter of the parking structure and all internal/external light sources shall be properly screened from view to minimize glare on adjacent property. (Ord. G-687, 10-23-2001)

3. Setbacks: For any parking structure that abuts a residential use/zoning district the setbacks shall be ten feet (10') plus two feet (2') for every one foot (1') in height above grade, up to a maximum setback of one hundred feet (100') for the parking structure. (Also see landscape setback requirements in Chapter 18)

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13-12-5 : OFF-STREET PARKING SPACES REQUIRED:

There shall be provided for each structure and use hereafter erected, structurally altered, or enlarged, a minimum number of off-street parking spaces in accordance with the following:

Dwelling And Lodging Uses:	
Hotels	1 parking space for each lodging room, 1 parking space for each dwelling unit, and 1 parking space for each 100 square feet of retail sales, meeting area and dining area.
Single-family ~~attached and~~ (detached) ~~dwellings~~	2 ~~parking~~ spaces for each dwelling ~~unit~~.
Duplex and Townhomes (attached)	2 spaces for each dwelling.
Condominium and Apartments	2 spaces for each dwelling.
Assisted living units	0.5 parking spaces per dwelling unit.
Theaters, Schools, Institutions, Auditoriums Or Other Places Of Assembly:	
Churches, chapels, temples and synagogues	1 parking space for each 4 seats.
Clubs, lodges and fraternal organizations	1 parking space for every 100 square feet of floor space, or part thereof.
Colleges, universities and fine art schools	For classroom and administration buildings, 1 parking space for each 2 employees who are required to work during hours of normal operation, plus 1 parking space for each 3 students, in accordance with designed seating capacity of classroom facilities.
Gymnasiums, stadiums, meeting halls, convention and exhibition halls	1 parking space for each 4 seats in accordance with designed seating capacity.
Hospitals	1 parking space for every 500 square feet of floor area, or part thereof.
Libraries, museums and art galleries	1 parking space for every 500 square feet of floor area, or part thereof.
Sanitariums, health resorts, institutions for the aged, daycare centers, and nursing homes	1 parking space for every 1,000 square feet of floor area plus 1 space for every employee. Adequate stacking will also be provided for drop-off areas per the review and approval of the village engineer.
Schools:	
Commercial or trade, music, dance and business	1 parking space for every 250 square feet of floor area, or part thereof.
High	1 parking space for each 6 students, plus 1 parking space for each faculty member and other full-time and part- time employees.
Elementary and junior high	1 parking space for each faculty member, plus 1 for each other full-time employee.
Theaters, auditoriums and other places of public assembly accessory	to schools and other institutional establishments

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Recreation Uses, Commercial Or Noncommercial:

Bowling alleys and arcades of floor area, or part thereof.	1 parking space for each 2.5 seats.
Golf courses	60 parking spaces for every 9 holes plus 1 parking space for each 250 square feet devoted to retail sales, restaurant use or meeting space.
Health salons and skating rinks, commercial	1 parking space for every 200 square feet
Parks, playgrounds, outdoor and indoor recreation	1 parking space for every 100 square feet of floor area, or part thereof.
	1 parking space for every 10,000 square feet of area.
Swimming pools, commercial	1 parking space for every 75 square feet of surface water area when filled.

Business, Commercial And Industrial Use:

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Appliance stores, motor vehicle sales establishments and establishments for repair of household equipment and furniture	1 parking space for every 200 square feet of floor area or part thereof.
Car wash (full service)	1 parking space for each 1.5 employees plus 20 stacking spaces.
Car wash (not full service including self-service)	1 parking space for each 1.5 employees plus 10 stacking spaces for vehicles that can be accommodated at full occupancy.
Automobile service stations	1 parking space for each island of gasoline pumps, plus 2 for each service bay.
Banks and other financial institutions	1 parking space for every 250 square feet of floor area, or part thereof.
Barbershops and beauty parlors	3 parking spaces for each operator's chair.
Furniture stores	1 parking space for every 400 square feet of floor area or part thereof. As used in this listing, "furniture store" shall mean a minimum aggregate of 250,000 square feet at the time of initial restaurant construction
Manufacturing, fabricating, processing, storing, cleaning, testing, assembly, repairing and service establishments (as permitted in office-research-assembly districts)	
Medical and dental clinics and offices of physicians and dentists	
Offices, business, professional, administrative and public (other than medical and dental clinics, and offices of physicians and dentists)	
Public utility, governmental service and transportation uses	
Restaurants with a drive-through in an ORA-2 zoning district located within 1,000 feet of office buildings containing	

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establishments classified under standard industrial classification (SIC) 5712 as primarily engaged in the retail sale of household furniture with only incidental sales of:	stery materials; C. Miscellaneous home furnishings; and D. Consumer audio and video electronic equipment but only as part of "home entertainment centers" which contain furniture as well as electronic components, but no significant sale of any other products or materials.
A. Floor coverings; B. Draperies, curtains and upholstery	1 parking space for each 1.5 employees as related to the working period when the maximum number of persons are employed on the premises, or 1 for each 800 square feet of floor area, whichever is greater.
Restaurants, with drive-through	1 space for each 200 square feet of floor area.
Restaurants, without drive-through	1 parking space for each 300 square feet of floor area.
Theaters, except open air drive- ins	1 parking space for each 2 employees.
Undertaking establishments and funeral parlors	1 parking space for every 100 square feet of floor area.
Warehouse, storage, wholesale and mail order establishments	1 parking space for every 66 $^{2}/_{3}$ feet of floor area. 1 parking space for every 100 square feet of floor area, or part thereof. 1 parking space for each 100 square feet of floor area. 4 plus 1 parking space for each 1,500 square feet of floor area over 4,500 square feet, or 1 parking space for each 1.5 employees, whichever is greater.

B2 Regional Shopping Center Districts:

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With a lot area of not more than 40 acres	Parking spaces and aisles not less in area than $2^{1}/_{4}$ times the floor area of buildings constructed. Not less in area than $1^{7}/_{8}$ times the gross floor area of buildings constructed.
With a lot area of 40 acres to 60 acres	
With a lot area of 60 acres or more	Not less in area than **1** $/_{2}$ times the gross floor area of buildings constructed.

\

~~Determination Of Unspecified Offstreet Parking Facilities:~~

For permitted or special uses not listed above, the ~~community development director~~ Development Services Director shall determine the required number of off street parking spaces by comparing the proposed use against the most similar use listed in this title and requiring that particular parking ratio.

(Ord. G-687, 10-23-2001; Ord. G-758, 8-24-2004)

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13-12-5 : HANDICAP PARKING:

~~See chapter 11 of this title. (Ord. G-687, 10-23-2001; Ord. G-695, 3-26-2002)~~

Accessible Parking Required: All facilities, which provide parking, shall provide accessible parking in compliance with the Sections 208 & 502 of the Illinois Accessibility Code of the Capital Development Board, as adopted, and of the Federal Americans with Disabilities Act.

13-12-6 : OFF STREET LOADING REGULATIONS:

There shall be provided off street loading berths not less than the minimum requirements specified in this section in connection with any structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles in accordance with the following:

A. Location:

1. In all O districts, all accessory off street loading berths shall be on the same lot as the principal use and they shall face only interior lot lines. Open off street loading berths shall be located only at the rear of the building and shall be not less than one hundred feet (100') from an adjoining residence district boundary and such off street loading berths shall be effectively screened therefrom by a wall or fence, of architectural design consistent with the principal building on the lot, not less than six feet (6') nor more than eight feet (8') in height additionally screened by a planted earth berm, densely planted shrubs or trees, or a combination of both.

2. In the B2 zoning district, off street loading berths may face perimeter or boundary streets if said loading berths are screened by a stone or masonry wall at least eight feet (8') in height. No off street loading berths shall be permitted within five hundred feet (500') of a boundary street, unless such loading berths are screened and are located at the rear of the building.

3. In B1, B3 and B4 zoning districts, all loading berths shall be at the rear of the building facing an interior lot line. If the rear of the building faces a lot line fronting on a street, loading berths shall be enclosed by a wall of at least eight feet (8') high or shall be completely enclosed within a building. Where the rear of the building faces a lot line which is also a residence district zoning line, loading berths shall be set back at least one hundred feet (100') from said lot line and residence district boundary, and:

a. Completely enclosed within a building, or

b. Enclosed by a wall or fence not less than six feet (6') nor more than eight feet (8') in height, or

c. Effectively screened by a planted earth berm, densely planted shrubs or trees, or a combination of both.

B. Size: Unless otherwise specified in this title, a required off street loading berth shall be at least twelve feet (12') in width and at least fifty five feet (55') in length, exclusive of access drives, aisles, ramps, maneuvering space, columns, office and work areas, and shall have a vertical clearance of not less than fourteen feet (14').

C. Access: Each required off street loading berth shall have an adjacent open paved area, other than a street or public way, of adequate size and so located as to provide for all required maneuvering for truck access to the loading berth. Such areas and related access drives shall be in accordance with the regulations set forth in subsections 13-12-3C and E of this chapter and other applicable sections of this title and shall provide sufficient and adequate width and radii for a fifty five foot (55') long tractor semitrailer combination.

D. Surfacing: All open off street loading berths, access drives, aisles, and maneuvering spaces shall be improved in accordance with the village of Oak Brook public works construction standards.

E. Repair And Service: No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any required loading berth.

F. Use: Space allocated to any off street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off street parking facilities or portions thereof.

G. Required Berths:

1. The minimum number of off street loading berths accessory to office uses hereafter erected, structurally altered or enlarged in all business and office-research-assembly districts shall be in accordance with the following schedule:Floor Area Of Establishments (Square Feet)	Required Number
5,000 to 25,000	1

25,001 to 200,000	2

For each additional 200,000 square feet of floor area, or fraction thereof, over 200,000 square feet of gross floor area: 1 additional loading berth.

2. The minimum number of off street loading berths accessory to nonoffice uses hereafter erected, structurally altered, or enlarged in all business and office-research- assembly districts shall be in accordance with the following schedule:

Floor Area Of Establishments (Square Feet)	Required Number
5,000 to 25,000	1
25,001 to 40,000	2
40,001 to 100,000	3

For each additional 100,000 square feet of floor area, or fraction thereof, over 100,000 square feet of floor area: 1 additional loading berth. (Ord. G-687, 10-23-2001; Ord. G-750, 6-8-2004)

13-12-7 : PARKING FOR DAMAGED OR DESTROYED USES:

When any conforming or nonconforming use or structure which is in existence on the effective date hereof is restored and continued in operation after being damaged or destroyed by fire, collapse, explosion or other cause, to the extent that the cost of restoration does not exceed fifty percent (50%) of the assessed valuation, not less than the off street parking or loading facilities equivalent to any maintained at the time of

such damage or destruction must be provided. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses or construction. (Ord. G-687, 10-23-2001)

CHAPTER 13
NONCONFORMING BUILDINGS, STRUCTURES AND USES

SECTION:

13-13-1: Purpose

13-13-2: Authority To Continue

13-13-1: PURPOSE:

The purpose of this Chapter is to provide for the regulation of nonconforming uses, buildings and structures, and to specify those circumstances and conditions under which those nonconforming buildings, structures and uses shall be eliminated. (Ord. G-60, 3-22-1966; Ord. G-575, 9-24-1996)

13-13-2: AUTHORITY TO CONTINUE:

Any building, structure or use which existed lawfully at the time of the adoption of this Title, and which remains or becomes nonconforming upon the adoption of this Title, or of any subsequent amendment thereto, may be continued only in accordance with the following regulations:

A. Repairs And Alterations: Ordinary repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made in or to such building or structure, all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the building or structure and use thereof conform to the regulations of the district in which it is located. Ordinary repairs and alterations shall be determined by the Director of ~~Community~~ Development Services and shall include, among other things the replacement of storage tanks where the safety of operation of the installation requires such.

B. Additions And Enlargements:

1. A nonconforming building or structure all or substantially all of which is designed or intended for a use not permitted in the district in which it is located shall not be added to or enlarged in any manner unless such nonconforming building or structure, and use thereof, is made to conform to all the regulations of the district in which it is located.

2. A nonconforming building or structure which is nonconforming only as to bulk, may be added to or enlarged, provided such additions or enlargement conforms to all regulations of the district in which it is located.

C. Moving: No building or structure shall be moved in whole or in part to any other location unless every portion of such building or structure, and the use thereof, is made to conform to all regulations of the district in which the moved building is located.

D. Restoration Of Damaged Nonconforming Buildings Or Structures: A building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent (50%) of the total cost of reconstructing the entire building or structure, shall not be restored unless said building or structure and the use thereof shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty percent (50%) of the cost of reconstructing the entire building or structure, no repairs or construction for restoration shall be made unless such work is started within one year from the date of the partial destruction and is diligently prosecuted to completion.

E. Discontinuance Of Use Of Nonconforming Building Or Structure: A building, structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and in which the use has ceased by discontinuance or abandonment, on the effective date of this Title or thereafter is abandoned and remains unoccupied, or is not used for a continuous period of one year, shall not thereafter be occupied or used, except by a use which conforms to the use regulations of the district in which it is located.

F. Change Of Use In Nonconforming Building Or Structure: The nonconforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in the district in which the building or structure is located.

G. Nonconforming Use Of Conforming Buildings Or Structures: The existing nonconforming use of a part or all of a conforming building or structure may be continued subject to the following provisions:

1. The nonconforming use of a part of such building or structure shall not be expanded or extended into any other portion of such building or structure, nor changed to any other nonconforming use.

2. If a nonconforming use of such a building or structure is discontinued, or abandoned for a period of six (6) consecutive months, it shall not be renewed, and any subsequent use of such building or structure shall conform to the use regulations of the district in which the premises are located.

H. Nonconforming Use Of Land: The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land, may be continued subject to the following provisions:

1. Such nonconforming use shall not be expanded or extended beyond the area it occupies.

2. If such a nonconforming use of land is discontinued or abandoned for a period of six (6) consecutive months, it shall not thereafter be renewed, and subsequent use of land shall conform to the regulations of the district in which the land is located.

3. No nonconforming use of land shall be changed to another nonconforming use.

4. Where the nonconforming use of land is accessory to the nonconforming use of a building or structure, it shall be discontinued on the same date on which the nonconforming use of the building or structure is discontinued. (Ord. G-60, 3-22-1966; Ord. G-368, 10-22-1985; Ord. G-568, 4-1-1996; Ord. G-575, 9-24-1996)

CHAPTER 14
ADMINISTRATION AND ENFORCEMENT

SECTION:

13-14-1: Director Of ~~Community~~ Development Services

13-14-2: Zoning Certificates

13-14-3: Filing Plans

13-14-4: Planning and Zoning Commission ~~Board Of Appeals~~ Jurisdiction And Authority

13-14-5: Appeals

13-14-6: Variations

13-14-7: ~~Plan Commission Jurisdiction~~

13-14-~~8~~7: Amendments

13-14-~~9~~8: Special Uses

13-14-~~10~~9: Fees

13-14-~~11~~10: Violation, Penalty And Enforcement

13-14-~~12~~11: Public Hearing Notification Requirements

13-14-1: DIRECTOR OF ~~COMMUNITY~~ DEVELOPMENT SERVICES:

The ~~director of community development~~ Director of Development Services or his/her designee shall enforce this title, and in furtherance of his/her authority shall:

A. Determine conformance of applications for building permits with regulations of this title.

B. Issue all zoning certificates, following approval as required in this title, and make and maintain records thereof.

C. Issue building permits.

D. Issue all certificates of occupancy, and make and maintain records thereof.

E. Issue permits for temporary parking and use of trailers.

F. Authorize, in writing, changes in residence districts signs that are more than six (6) square feet in area.

G. Conduct inspections of uses of land and structures in accordance with due process of law to determine compliance with the terms of this title.

H. Maintain permanent and current records of the administration and enforcement of this title, including, but not limited to, applications, processing and decisions for all amendments, variations and appeals, and chart and designate each: 1) district line amendment; and 2) special use on the zoning district map.

I. Provide and maintain a public information bureau relative to all matters pertaining to this title.

J. Receive, file and forward to the ~~zoning board of appeals~~ Planning and Zoning Commission all applications for variations, appeals of other matters on which the village board is required to act under this title.

K. Forward to the village clerk all applications initially filed with the ~~director of community development~~ Director of Development Services for amendments, and other matters necessary under this title upon which the village board of trustees is required to act.

L. Provide such clerical and technical assistance as may be required by the ~~zoning board of appeals~~ Planning and Zoning Commission in the exercise of its duties. (Ord. G-60, 3-22-1966)

13-14-2: ZONING CERTIFICATES:

A. Zoning Certificates Required:

1. Except as hereinafter provided, no permit pertaining to the use of land or permit required by building codes shall be issued by any officer, department or employee of the

village, unless the applications for such permits have been examined by the ~~director of community d~~Development Services department and he has affixed thereon certifications indicating that the applications comply with the provisions of this title.

2. An application for a zoning certificate for a structure and the use thereof or a land use which requires compliance with performance standards set forth in general regulations of the office-research-assembly districts 1 shall have affixed to it the certification of an architect or a structural engineer registered in the State of Illinois. Such certification shall state that the structure and the use thereof, or the use of land when no structure is involved, complies with all provisions of this Title pertaining to such performance standards. The ~~Director of Community~~ Development Services department shall, upon receipt of such application, approve and authorize the issuance of a zoning certificate, provided there is compliance with all other provisions of this Title. Within fifteen (15) days after the date of such approval, the ~~Director of Community~~ Development Services department shall examine said application and if, in ~~his~~ their opinion, the structure and use thereof, or use of land not involving a structure, does not in fact comply with such performance standards regulations, he shall advise such architect, or structural engineer, in writing, of his findings, stating the reason or reasons therefor. Failure of the architect or structural engineer, to submit additional information or make revisions in the application necessary to comply with performance standards within thirty (30) days of such notification shall be cause for revocation of the zoning certificate.

B. Certificate Of Occupancy:

1. No structure erected or altered hereafter shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the ~~Director of Community~~ Development Services department stating that the structure complies with all the building and health laws and ordinances and with the provisions of this Title. No change of use shall be made in any structure or part thereof now or hereafter erected or altered without a permit having been issued by the ~~Director of Community~~ Development Services department, and no permit shall be issued to make such change unless it is in conformity with the provisions of this Title.

2. Nothing in this Section shall prevent the continuance of the present occupancy or use of any existing structure, except as may be necessary for the safety of life and property.

3. Application of a certificate of occupancy shall be made coincident with the application for a building permit and such certificate shall be issued within ten (10) days after the erection or alteration of such structure has been completed. A record of all certificates shall be kept on file in the office of the ~~Director of Community~~ Development Services department and copies shall be furnished on request to any person having proprietary or possessory interest in the structure affected. A fee of ten dollars ($10.00) shall be charged for each original certificate and one dollar for each copy thereof. (Ord. G-60, 3-22-1966; Ord. G-203, 12-14-1976)

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Notes

1 1. See Section 13-10-3 of this Title.

13-14-3: FILING PLANS:

All applications for zoning certificates and building permits shall be accompanied by plans in triplicate, including landscaping plans ~~where required in ORA and O3~~ as required by this Title, drawn to scale, not less than one foot equal to one-tenth of an inch (1/10" = 1'), showing the actual shape and dimensions of the lot to be built upon, the exact size, area and location of the lot, of the structures and accessory structures existing, and the lines within which the structure shall be erected or altered, the existing and intended use of each structure or part thereof, the number of dwelling units or lodging rooms a residential structure is designed to accommodate, the design and location of off-street parking facilities, vehicular drives, and outdoor lighting, and such other information with regard to the lot and neighboring lots and performance standards as may be necessary to determine and provide for the enforcement of this Title. Applications involving single-family attached and semi-detached dwellings and multiple-family dwellings shall also be accompanied by architectural drawings showing all elevations and indicating building materials to be used on the exterior of the structure. (Ord. G-60, 3-22-1966)

13-14-4: PLANNING AND ZONING COMMISSION ~~BOARD OF APPEALS~~ JURISDICTION AND AUTHORITY 1 :

A. The Planning and Zoning Commission ~~Board of Appeals~~ is hereby designated as the proper commission or committee to publish notices as required by statute and these zoning regulations pertaining to proposed amendments to this Title and to make a written report and recommendation to the Board of Trustees on any such proposed amendment.

B. The Planning and Zoning Commission ~~Board of Appeals~~ is hereby invested with the following authority and jurisdiction:

1. To hear and decide appeals from any order, requirement, decision or determination made by the Director of ~~Community~~ Development Services or other authorized officials of the Village having jurisdiction under this Title.

2. To hear applications for variations from the terms provided in this Code in the manner and subject to the standards set forth in this Chapter.

3. To hold public hearings in matters pertaining to applications for planned developments, amendments and special uses.

4. To hear all other matters referred to it or upon which it is required to pass under this Title.

5. To consider applications for Subdivision as detailed in Title 14 of the Village Code.

~~5~~ 6. Submit reports to the Board of Trustees setting forth its findings and recommendations in the manner prescribed in this Chapter. (Ord. G-60, 3-22-1966; Ord. G-116, 4-14-1970)

~~Notes~~

~~1 1. See Title 2, Chapter 8 of this Code for the Zoning Board of Appeals.~~

13-14-5: APPEALS:

A. Authority: The Planning and Zoning Commission ~~Board of Appeals~~ shall hear and decide appeals from an administrative order, requirement, decision or determination made by the Director of ~~Community~~ Development Services or other authorized official of the Village having jurisdiction under this Title.

B. Initiation:

1. An appeal to the Planning and Zoning Commission ~~Board of Appeals~~ may be taken by any person aggrieved or by any officer, department, board or commission of the Village. The appeal shall be taken within such time as shall be prescribed by the Board by a general rule by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the appeal action is taken.

2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Planning and Zoning Commission ~~Board of Appeals~~, after the notice of appeal has been filed with him, that by reason of facts stated in this certificate a stay would, in his opinion cause imminent peril to life or property. In this event the proceedings shall not be stayed other than by an order of the Board or a court of record on application of and on notice to the officer from whom the appeal is taken, and on due cause being shown.

C. Processing:

1. An appeal shall be filed with the Village Clerk. The Village Clerk shall forward the appeal to the Planning and Zoning Commission ~~Board of Appeals~~ for processing in accordance with the Illinois Compiled Statutes.

2. The Planning and Zoning Commission ~~Board of Appeals~~ shall fix a reasonable time for the hearing of the appeal and give due notice thereof to parties and shall decide the appeal within reasonable time. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement or decision or determination as in its opinion ought to be

made on the premises and to that end has all the powers of the official from whom the appeal is taken.

D. Decisions: All decisions, after hearing of the Planning and Zoning Commission ~~Board of Appeals~~ on appeals from an administrative order, requirement, decision or determination of the Director of ~~Community~~ Development Services or other authorized official of the Village, shall, in all instances, be final administrative determinations and shall be subject to judicial review only in accordance with applicable statutes of the State. (Ord. G-60, 3-22-1966)

Notes

1 2. See Title 2, Chapter 8 of this Code for the Zoning Board of Appeals.

13-14-6: VARIATIONS:

A. Authority: The Board of Trustees shall decide all applications for variations of the provisions of this Title after a public hearing held before the Planning and Zoning Commission ~~Board of Appeals~~ on such notice as shall be required by the Illinois Compiled Statutes. The Zoning Board of Appeals shall hold public hearings upon all applications for variations and shall report its recommendations to the Board of Trustees as to whether a requested variation would be in harmony with its general purpose and intent, and shall recommend a variation only where it shall have made findings of fact specifying the reason or reasons for recommending the variations. Such findings shall be based upon the standards prescribed in subsection D of this Section. No variation shall be granted by the Board of Trustees without such findings of fact. In the case of a variation where the Planning and Zoning Commission ~~Board of Appeals~~ fails to recommend the variation, it can only be adopted by ordinance with the favorable vote of two-thirds (2/3) of the Trustees.

B. Initiation: An application for a variation shall be in triplicate and may be made by any governmental office, department, board, bureau or commission, or by any person having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, or any exclusive possessory interest applicable to the land, or land and improvements described in the application for a variation.

C. Processing: An application for a variation shall be filed with the Village Clerk who shall forward one copy of such application to the Planning and Zoning Commission ~~Board of Appeals~~ for processing in accordance with applicable statutes of the State and one copy to the Board of Trustees.

D. Standards:

1. The Planning and Zoning Commission ~~Board of Appeals~~ shall not recommend a variation of the provisions of this Title as authorized in this Section unless it shall have made findings of fact based upon the evidence presented to it on the following specific issues that:

a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

b. The plight of the owner is due to unique circumstances.

c. The variation, if granted, will not alter the essential character of the locality.

2. For the purpose of supplementing the above standards, the Planning and Zoning Commission ~~Board of Appeals~~, in making the determination whether there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence that:

a. The particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.

b. The condition upon which the petition for variation is based would not be applicable generally to the other property within the same zoning classification.

c. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

d. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

e. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

f. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

3. The Planning and Zoning Commission ~~Board of Appeals~~ may recommend and the Board of Trustees may require such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set forth in this Section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this Title.

E. Unauthorized Variations: The variation procedure shall in no case be used to accomplish a result which could otherwise be achieved by a rezoning of the property

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involved, such as, but not limited to, establishment or expansion of a use not permitted in a residence district; authorizing the construction of residences in other than residence districts; nor authorizing other than single-family detached residences in the R1, R2, R3 and R4 Districts.

F. Reapplications: Any person having been denied a variation to the provisions of this Title respecting a specific parcel of property may not reapply for a like variation on said real property until the period of one year has elapsed since the denial of the application for variation by the Village President and Board of Trustees. (Ord. G-60, 3-22-1966; Ord. G-137, 9-14-1971)

13-14-7: ~~PLAN COMMISSION JURISDICTION 1 :~~

~~The Plan Commission of the Village, which has been duly established with functions as prescribed by the Illinois Compiled Statutes, shall have the following duties under this Title:~~

~~A. Receive from the Village Clerk copies of applications for proposed amendments and thereafter may submit its recommendations thereon to the Zoning Board of Appeals and Board of Trustees.~~

~~B. Receive from the Director of Community Development copies of applications for proposed special uses and thereafter submit its recommendations thereon to the Director and Board of Trustees.~~

~~C. Act on all other matters which are referred to it as required by the provisions of this Title.~~

~~D. Review, from time to time, the provisions of this Title and to make reports of its recommendations with respect to proposed amendments to the Board of Trustees. (Ord. G-60, 3-22-1966)~~

~~Notes~~

~~1~~ ~~1. See Title 2, Chapter 1 of this Code for the Planning Commission.~~

13-14-~~8~~7: AMENDMENTS:

A. Authority: This Title may be amended from time to time by ordinance in accordance with applicable Illinois statutes. No vote shall be taken upon the adoption of a proposed amendment by the Village Board of Trustees until after a public hearing before the Planning and Zoning Commission ~~Board of Appeals~~ and a report of its findings and

recommendations has been submitted to the Board of Trustees ~~along with the recommendation of the Plan Commission~~.

B. Initiation Of Amendment: Amendments may be proposed by the Village Board of Trustees, ~~Plan Commission or Zoning Board of Appeals~~ Planning and Zoning Commission, and by any person having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest or any exclusive possessory interest which is specifically enforceable on the land which is described in the proposal for an amendment.

C. Processing:

1. A proposal for an amendment shall be filed with the Village Clerk and thereafter entered into the records of the first meeting thereafter of the Board of Trustees.

2. A copy of such proposal shall be forwarded by the Village Clerk to the ~~Zoning Board of Appeals~~ Planning and Zoning Commission with a request to hold a public hearing and submit to the Board of Trustees a report of its findings and recommendations. Such public hearing shall be held upon notice as required by Illinois Compiled Statutes.

~~3. The Village Clerk shall also transmit a copy of such proposal to the Plan Commission. The Plan Commission shall submit an opinion report relative to such proposed amendment to the Zoning Board of Appeals and Board of Trustees.~~

D. Decisions: The Board of Trustees, upon report of the ~~Plan Commission , if such report is made, and the report of the Zoning Board of Appeals~~ Planning and Zoning Commission, and without further public hearing, may vote upon the adoption of any proposed amendment in accordance with applicable Illinois Compiled Statutes, or may refer it back to the ~~Boards~~ Planning and Zoning Commission for further consideration.

The following criteria shall be taken in consideration of a request for a zoning amendment:

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

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10. The community need for the use proposed by the property owner.

E. Reapplications: Any person having been denied an amendment to this Title respecting a specific parcel of property may not reapply for a like amendment on said real property until the period of one year has elapsed since the denial of the application for amendment by the President and Board of Trustees. (Ord. G-60, 3-22-1966; Ord. G-137, 9-14-1971)

13-14-~~9~~8: SPECIAL USES:

A. Purpose: The development and execution of this Title is based upon the division of the Village into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly permitted in particular districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon public need for the particular use or the particular location. Such special uses fall into two (2) categories:

1. Uses operated by public agency or publicly-regulated utilities, or uses traditionally affected with a public interest.

2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities such as, but not limited to, single-family attached and semi-detached dwellings, horizontal condominiums and other residential developments.

B. Authority: Special uses shall be authorized or denied by the village board in accordance with the statutes of the state applicable to amendments of this title, and the regulations and conditions set forth in this title for special uses.

No application for a special use shall be acted upon by the village board until after:

1. A written report is prepared and forwarded to the board of appeals and the village board by the plan commission in a manner prescribed herein for amendments to this title; and

2. A public hearing has been held by the ~~zoning board of appeals~~ Planning and Zoning Commission, after due notice by publication as provided by the applicable statutes of the state for amendments and upon a report of the plan commission to the board of trustees, if such a report is made.

C. Initiation: An application for a special use may be made by any person, firm or corporation or by any office, department, board, bureau or commission requesting or intending to request a zoning certificate.

D. Processing: An application for a special use, in such form and accompanied by such information as shall be established from time to time by the ~~plan commission~~ Planning and

Zoning Commission, shall be filed with the village clerk and thereafter processed in the manner prescribed theretofore for applications and amendments. Special use applications may be processed simultaneously with requests for amendment of this title.

E. Decisions: The village board, upon report of the ~~zoning board of appeals~~ Planning and Zoning Commission and the plan commission, and without further hearing, may authorize or deny an application for a special use in accordance with ~~the~~ Illinois Compiled Statutes ~~statutes of the state applicable to amendments~~, or may refer it back to the ~~board of appeals and the plan commission~~ Planning and Zoning Commission for further consideration.

No special use shall be authorized by the village board unless ~~the special use~~:

1. ~~Is of the type described in subsection A1 of this section, is deemed necessary for the public convenience at that location~~ The proposed use is operated by a public agency, or for proposed uses traditionally affected with a public interest, and the proposed building or use is necessary or desirable to provide a service or a facility which is in the interest of the public convenience;

2. The proposed building or use will be ~~is~~ so designed, located and proposed to be operated that the public health, safety and welfare will be protected; and

3. The proposed building or use will ~~Would~~ not cause substantial injury to the value of other property in the neighborhood in which it is located.

F. Conditions: The ~~plan commission and zoning board of appeals~~ Planning and Zoning Commission may recommend, and the village board may provide, such conditions and restrictions upon the construction, location and operation of a special use, including, but not limited to, provisions for off street parking and loading as may be deemed necessary to promote the general objectives of this title and to minimize the injury to the value of the property in the neighborhood. (Ord. G-60, 3-22-1966; Ord. G-66, 12-19-1966)

13-14-~~10~~9: FEES:

Fees for any relief under this title shall be as otherwise established by separate ordinance. (Ord. G-60, 3-22-1966; Ord. G-132, 5-25-1971; Ord. G-289, 3-24-1981)

13-14-1~~1~~0: VIOLATION, PENALTY AND ENFORCEMENT:

A. Any person who violates, disobeys, omits, neglects, refuses to comply with or who resists enforcement of any of the provisions of this title shall, upon conviction, be fined as provided in the general penalty in section 1-3-1 of this code for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

B. The ~~director of community development~~ Director of Development Services is hereby designated and authorized to enforce this title. However, it shall also be the duty of all officers, citizens and employees of the village, particularly of all members of the police and fire departments, to assist the ~~director of community development~~ Director of Development Services by reporting to him/her any new construction, reconstruction, improper land uses, or upon seeming violations of this title. (Ord. G-60, 3-22-1966; Ord. G-233, 5-31-1978; 2000 Code)

13-14-1~~2~~1: PUBLIC HEARING NOTIFICATION REQUIREMENTS:

All applicants filing an application with the village of Oak Brook for a map amendment, variation or special use as provided for in this title shall provide notice of all public hearings related to their application in the following manner:

A. All applicants shall provide notice of any public hearing related to their application to all record owners (as required by the Illinois municipal code) and to the general public in the manner and in the time frame as provided in division 13 (zoning) of article 11 of the Illinois municipal code 1 .

B. In addition to the notice required by the Illinois municipal code, a sign shall be placed on the subject property informing the general public of an upcoming public hearing in accordance with the following requirements:

1. Such sign shall be posted on the subject property at a location oriented to and readable from the nearest adjacent street or roadway. However, where a parcel abuts two (2) or more streets or roadways, one such sign oriented to and readable from each abutting street or roadway is required.

2. If no public road abuts the property, the sign shall be placed on the property in question in such a position as may be most readily seen by the public.

3. Public notification signs shall be posted not less than fifteen (15) days prior to the public hearing and shall not be removed until after the public hearing has been completed unless otherwise directed to do so by the ~~community development director~~ Development Services department. The applicant shall remove all signs within forty eight (48) hours after the closing of the public hearing.

4. The public notification signs shall be weatherproof and measure no smaller than two feet by three feet (2' x 3') or be no larger than twelve (12) square feet and shall be mounted at least three feet (3') above the ground.

5. For consistency, said sign shall read as follows:

NOTICE
PUBLIC HEARING FOR THIS PARCEL
WILL BE HELD

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For more information call:
Village of Oak Brook 630-368-5103

6. Any applicant requesting the subdivision of a parcel shall also provide notice by posting a sign on the subject property in a manner consistent with the requirements for posting public hearing signs. (Ord. G-764, 11-9-2004; per correspondence dated 2-20-2009)

Notes

1 1. 65 ILCS 5/11-13-1 et seq.

CHAPTER 15
PLANNED DEVELOPMENTS

SECTION:

13-15-1: Intent And Purpose

13-15-2: General Provisions

13-15-3: Planned Development Standards

13-15-4: Site Development Allowances

13-15-5: Procedures

13-15-6: Application Requirements

13-15-7: Effect Of Approval Or Denial

13-15-8: Amendments And Changes To Approved Planned Development Permits

13-15-1: INTENT AND PURPOSE:

The purpose of the regulations, standards, and criteria contained in this chapter is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the planned development is to encourage a higher level of design and amenity than is possible to achieve under standard zoning regulations. The end result is intended to be a product which fulfills the objectives of the village of Oak Brook commercial areas revitalization master plan and planning policies of the village while allowing flexibility from the standard application of the use and bulk regulations of the zoning regulations. The planned development is intended to permit

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and encourage flexibility and to accomplish the following specific purposes, among others:

A. To stimulate creative approaches to the commercial, nonsingle-family residential, and commercial/mixed use development of land.

B. To provide more efficient use of land.

C. To preserve natural features and provide open space areas and recreation areas in excess of those required under standard zoning regulations.

D. To develop and implement new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.

E. To unify building and structures through design.

F. To promote long term planning pursuant to the village's commercial areas revitalization master plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas. (Ord. G-890, 7-14-2009)

13-15-2: GENERAL PROVISIONS:

A. Except as provided for in subsection 13-15-5E of this chapter, no new commercial, office, or mixed use development construction within the planned development overlay district shall be permitted except as approved as a planned development in accordance with this chapter; provided, however, that a stand alone project for construction of outdoor dining facilities or for drive-through facilities will not require a planned development under this chapter.

B. Each planned development shall be presented and reviewed on its own merits. It shall not be sufficient justification for approval of a planned development to rely on an already existing planned development, except to the extent that the existing planned development and the proposed planned development are part of an approved unified, phased, or master development plan.

C. The burden of providing evidence and persuasion that any planned development is necessary and desirable shall in every case rest with the applicant.

D. Buildings and uses or combinations of uses within a planned development shall be limited solely to those approved as part of the ordinance granting a planned development; provided, however, that any buildings and uses or combinations of uses in compliance with a unified, phased, or master development plan approved as part of the ordinance granting a planned development may be approved by the corporate authorities.

E. To the extent provided in the ordinance approving a proposed planned development, the proposed planned development need not comply with the density, dimension, area, bulk, use, and other zoning regulations that, but for the provisions of this chapter, would

otherwise apply to the property on which the proposed planned development is intended. Modifications and departures from the standard zoning provisions may be provided in accordance with the provisions of this chapter and to the extent that they will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. (Ord. G-890, 7-14-2009; Ord. G-904, 11-10-2009)

13-15-3: PLANNED DEVELOPMENT STANDARDS:

A. Planned Developments Are Not Permitted As Of Right: Planned developments shall be approved by the village only in direct response to the accrual of tangible public benefits from the planned development to the village and its residents, along with the neighborhood and area in which the planned development is proposed. These benefits shall include, without limitation, exceptional amenities, landscape features, architectural or site design, or the conservation of special manmade or natural features of the site, all as more specifically set forth in the standards set forth in subsection B of this section.

B. General Design Standards: No application for a planned development shall be approved by the corporate authorities unless the proposed planned development satisfies the standards set forth in this subsection B and subsection C of this section. All of these standards shall not be regarded as inflexible, but shall be used as a framework by the village to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.

1. Commercial Areas Revitalization Master Plan: The planned development shall not be inconsistent with the planning policies, goals, objectives, and provisions of the village's commercial areas revitalization master plan. A planned development must also not be inconsistent with the intent and spirit of the village of Oak Brook comprehensive plan.

2. Public Welfare: The planned development shall be designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare.

3. Impact On Other Property: The planned development shall not be unnecessarily injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted pursuant to the applicable zoning district, shall not prevent the normal and orderly development and improvement of surrounding properties for permitted uses, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity. The uses permitted in a planned development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties. The planned development must also address compliance with the village's noise, lighting, and other performance standards.

4. Impact On Public Facilities And Resources: The planned development shall be designed so that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve the development. The planned development shall include such impact donations as may be reasonably determined by the corporate authorities. The required impact donations, including, without limitation, obligations under the village's subdivision regulations, shall be calculated in reasonable proportion to the impact of the planned development on public facilities and infrastructure to the extent permitted by law.

5. Archaeological, Historical Or Cultural Impact: The planned development shall not substantially and adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel proposed for development.

6. Parking And Traffic: The planned development shall have or make adequate provision to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets, provides appropriate cross access to adjacent properties and parking areas, and provides adequate access for emergency vehicles.

7. Adequate Buffering: The planned development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.

8. Signage: Signage on the site of the planned development shall generally be in conformity with the village's sign regulations (chapter 11 of this title), except as may otherwise be specifically provided in the ordinance approving a planned development.

9. Ownership/Control Area: The site of the planned development must be under ownership and/or unified control of the applicant.

10. Need: A clear showing of need for the planned development must be made by means of an economic feasibility, land utilization and marketing study.

11. Compliance With Subdivision Regulations And Plat Act: All planned developments, whether or not they are by definition subject to the village's subdivision regulations or the Illinois plat act, shall comply with all standards, regulations and procedures of the village's subdivision regulations and the plat act except as is expressly provided otherwise in this chapter, or as otherwise provided by the corporate authorities pursuant to the ordinance approving the planned development, or the applicable sections of the village's subdivision regulations.

12. Covenants And Restrictions To Be Enforceable By Village: All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed, or released without the express consent of the corporate authorities and that they may be enforced by the village as well as by future landowners within the proposed development.

13. Security And Site Control: The planned development shall include the plans necessary to describe, establish, and maintain appropriate property and building security

and site control measures for the planned development and the property on which the planned development is located. These plans shall also include measures to prevent adverse impacts on neighboring properties.

C. Additional Standards: In addition to the standards required in subsection B of this section, the following standards shall be considered in reviewing all proposed and amended planned developments, particularly with regard to elements of planned development proposals that do not satisfy the otherwise applicable provisions of the underlying zoning and subdivision regulations:

1. Integrated Design: A planned development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

2. Beneficial Common Open Space: Any common open space in the planned development shall be integrated into the overall design. These open spaces shall have a direct functional or visual relationship to the main building(s) and shall not be of isolated or leftover character. The following would not be considered usable common open space:

a. Areas reserved for the exclusive use or benefit of an individual tenant or owner.

b. Dedicated streets, alleys and other public rights of way.

c. Vehicular drives, parking, loading and storage areas.

d. Irregular or unusable narrow strips of land.

3. Functional And Mechanical Features: Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the planned development and made as unobtrusive as possible. These features shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

4. Visual And Acoustical Privacy: The planned development shall provide reasonable visual, and acoustical privacy. Fences, insulations, walks, barriers and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.

5. Energy Efficient Design: A planned development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the planned development. The applicant will be encouraged, to the extent feasible, to obtain leadership in energy and environmental design ("LEED")

certification for the project. A planned development applicant may also undertake the following:

a. Having at least one member of the applicant's project team be a "LEED accredited professional" - a person who has received the LEED accredited professional designation from the United States green building council ("USGBC"), the Green Building Certification Institute, or another entity authorized by the USGBC to grant that designation.

b. Having its application materials include a "LEED checklist" developed by the U.S. green building council indicating the credits pursued and total points anticipated for a project under the most appropriate LEED rating system, in consultation with the ~~d~~Director of ~~community d~~Development Services.

6. Drives, Parking And Circulation: Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties. To the extent practical, planned developments shall provide connections to and from existing bike and walking paths so as to ensure a continuous route without gaps or disconnections.

7. Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic. (Ord. G-890, 7-14-2009)

13-15-4: SITE DEVELOPMENT ALLOWANCES:

Proposed site development characteristics that are not consistent with the zoning regulations otherwise applicable to the property on which a planned development or planned development amendment is proposed, may be approved in accordance with this chapter as part of the ordinance approving the planned development or planned development amendment. The applicant shall specifically identify each site development departure and demonstrate how each departure will be compatible with surrounding development and is not inconsistent with the planned development standards set forth in section 13-15-3 of this chapter. Each departure shall be specifically stated and approved in the ordinance approving the planned development or planned development amendment. Any approved departures from the otherwise applicable zoning regulations

shall not be deemed a nonconformity and shall not require a variation. (Ord. G-890, 7-14-2009)

13-15-5: PROCEDURES:

The following procedures are required to assure the orderly review of every planned development application in a timely and equitable manner:

A. Preliminary Board Review:

1. A prospective applicant, prior to meeting with village staff for a formal prefiling review, shall appear before the corporate authorities for a preliminary board review. At a minimum, the applicant shall provide the following materials to the corporate authorities for its preliminary review: a) a preliminary concept plan of the development, and b) a brief narrative describing the overall character, intensity, uses, and nature of the proposed planned development. Prior to submission to the corporate authorities, the ~~community development director~~ Director of Development Services will review the materials to confirm that the materials provide sufficient information to adequately inform the corporate authorities of the nature and scope of the proposed planned development. If sufficient information is provided, the applicant shall coordinate with the village manager to be placed on a corporate authorities agenda and scheduled for the earliest appropriate corporate authorities meeting.

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

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

B. Prefiling Review And Transmittal Of Application:

1. Conference:

a. Following the preliminary board review, a prospective applicant, prior to submitting a formal application for a planned development, shall meet for a prefiling review conference with the village manager, the ~~community development director~~ Director of Development Services, and any other village official or employee designated by the village manager. The purpose of the conference is to assist the applicant in understanding the commercial areas revitalization master plan, the requirements of this chapter, the zoning regulations, the site development allowances, the standards by which the application will be evaluated, and the application requirements.

b. After reviewing the planned development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned development. The justification for a waiver must be that the application requirement should not apply because it does not relate and is not necessary given the nature and scope of the proposed planned development. All requests for application waivers shall be made in writing to the ~~community development director~~ Director of Development Services prior to the submission of the formal application documents.

c. All requests for waiver shall be reviewed by the ~~community development director~~ Director of Development Services, who will make a final determination regarding the waiver within fifteen (15) working days of receipt of the request.

d. If deemed appropriate by the ~~community development director~~ Director of Development Services, the applicant, prior to submitting a formal application for a planned development, will schedule a public meeting to discuss the proposed planned development and the nature and extent of impact, if any, on area residents. If a meeting is required, the applicant shall send a written notice of the meeting via certified mail to all taxpayers of record and residents for all property within five hundred feet (500') of the proposed planned development. The notice shall be mailed not more than thirty (30) nor less than fifteen (15) days prior to the date of the meeting. A copy of the notice and mailing list shall be provided to the ~~community development director~~ Director of Development Services. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.

2. Filing Of Application: Following the completion of the prefiling review conference, the applicant shall file an application for a planned development in accordance with this chapter. The ~~community development director~~ Director of Development Services shall deliver copies of the application to other appropriate village departments for review and comment.

3. Deficiencies: The ~~community development director~~ Director of Development Services shall determine whether the application is complete. If the ~~community development director~~ Director of Development Services determines that the application is not complete, then the ~~community development director~~ Director of Development Services shall notify the applicant in writing of the deficiencies and shall take no further steps to process the application until the deficiencies are remedied.

4. Report On Compliance: A copy of the complete application and a written report incorporating the comments of village staff and other agencies regarding the compliance of the proposed planned development with the requirements and standards of this chapter shall be delivered to the planned development commission prior to the public hearing required by subsection C of this section.

5. Determination Not Binding: Neither the ~~community development director's~~ Director of Development Services determination that an application is complete nor any comment made by the ~~community development director~~ Director of Development Services or village staff at a prefiling review conference or as part of the review process shall be intended or construed as a formal or informal recommendation for or against the approval of a proposed planned development, or any component part thereof, nor shall they be intended or construed as a binding decision of the village, the ~~planned development commission~~ Planning and Zoning Commission, or village staff.

C. Review And Action By The ~~Planned Development Commission~~ Planning and Zoning Commission:

1. Upon receiving the report from the ~~community development director~~ Director of Development services, the ~~planned development commission~~ Planning and Zoning Commission shall hold a public hearing on the proposed planned development.

2. Notice of the required public hearing shall be published by the village, at the applicant's expense, not more than thirty (30) nor less than fifteen (15) days before the scheduled hearing in a newspaper of general circulation in the village and shall contain the following information:

a. The identification number designation of the application;

b. The date and time of the public hearing;

c. The location of the public hearing; and

d. The general location of the property, the legal description of the property and its street address, if applicable, and a short description of the proposed planned development and purpose of the public hearing.

3. Notice of the required public hearing shall also be provided by the village, at the applicant's expense, by posting a sign or signs on the property not more than thirty (30) days nor less than fifteen (15) days prior to the public hearing. The sign shall be weatherproof and contain the information as is required in subsection C2 of this section. Failure to post the sign(s) and/or the inadvertent removal or knocking down (by the village or others) of the sign after posting but before the public hearing shall not invalidate, impair, or otherwise affect any planned development subsequently granted following the public hearing, nor shall it require a postponement of the public hearing.

4. Notice of the required public hearing shall also be provided by the applicant by certified U.S. mail, return receipt requested, to the taxpayers of record and owners of record of the property which is the subject of the application (if different than the applicant), and the taxpayers of record and residents of all property within five hundred feet (500') of the subject property. The notice shall contain the information as is required in subsection C2 of this section and shall be mailed not more than thirty (30) nor less than fifteen (15) days prior to the date of the public hearing. The notice shall also include the name and address and phone number of the applicant for the planned development.

5. The transcript of testimony, if any, the commission's minutes, all applications, requests, exhibits, and papers filed in the proceeding before the commission, and the decision and report, or reports, of the commission shall constitute the record for that particular application.

6. The ~~planned development commission~~ Planning and Zoning Commission shall review the application, the standards and requirements established by this chapter, the report of the ~~community development director~~ Director of Development Services, and any oral and written comments and testimony received by the planned development commission before and at the public hearing. The ~~planned development commission~~ Planning and Zoning Commission shall recommend approval, approval with conditions, or disapproval of the proposed planned development.

7. Every recommendation of the commission upon any application filed pursuant to this chapter shall be by a written resolution and shall include such findings of fact and conclusions as the commission shall deem necessary. The resolutions shall generally refer to the evidence in the record and to the exhibits, plans, or specifications upon which the recommendation is based. The resolution shall generally specify the reason or reasons for the recommendation and shall contain a conclusion or statement separate from the findings setting forth the recommendation of the commission. Every resolution shall expressly set forth any limitations or conditions recommended by the commission. In order to make a recommendation to approve (with or without conditions) or a recommendation to deny a proposed planned development or an amendment to an existing planned development, the affirmative vote of a majority of all members of the commission then holding office shall be required.

D. Review And Action By The Corporate Authorities:

1. Within sixty (60) days of receipt of the report and recommendation of the ~~planned development commission~~ Planning and Zoning Commission, and without further public hearing, the corporate authorities shall, at a minimum, commence consideration of the proposed planned development. The corporate authorities will attempt to conclude its consideration and render a final decision as soon as possible within that sixty (60) day time period, but may extend its consideration as necessary to allow a full and complete review and consideration of the proposed planned development. Following its consideration, the corporate authorities shall: a) deny the application; b) refer the application back to the ~~planned development commission~~ Planning and Zoning Commission for further review

and, if necessary, additional public hearings; c) postpone further consideration pending the submittal of additional information, including any application requirement previously waived but deemed necessary by the village for its consideration; or d) adopt an ordinance approving the planned development.

2. Any action taken by the corporate authorities pursuant to subsection D1 of this section shall require the concurrence of a majority of the corporate authorities; provided, however, that any proposed planned development that does not receive a recommendation of approval (with or without conditions) from the ~~planned development commission~~ Planning and Zoning Commission shall not be approved by the corporate authorities except by the affirmative vote of two- thirds (2/3) of the corporate authorities.

3. In approving a planned development, the corporate authorities may attach such conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in this chapter and to prevent or minimize adverse effects on other property in the immediate vicinity. The conditions may include, but are not limited to: impact donations and other related fees or property or monetary contributions; limitations on size, bulk, location, and setbacks; requirements for landscaping, signage, and outdoor lighting; provisions for adequate ingress and egress; hours of operation; and such other conditions as the corporate authorities may deem necessary in furtherance of the objectives of this chapter.

E. Exemptions: At the election of the applicant, the planned development provisions of this chapter shall not apply to an existing development or a proposed development project that satisfies all of the underlying zoning regulations applicable to the property. In such case, the proposed development will be subject to the processes of the village that are applicable to any new construction project. (Ord. G-890, 7-14-2009; Ord. G-904, 11-10-2009)

13-15-6: APPLICATION REQUIREMENTS:

A. Owner To File Application: The application for a planned development must be filed by the owner of the property on which the planned development is proposed to be located or any person or entity having a contractual interest in the property. If the application is not filed by the owner, the owner must, at a minimum, confirm to the village in writing that the owner has authorized the applicant to apply for the proposed planned development.

B. Information Required: Applications for a planned development shall be filed with the ~~community development director~~ Director of Development Services in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the village. Every application shall contain, at a minimum, the following information and related data:

1. The names and addresses of the owner(s) of the subject property and the applicant(s).

2. A statement from the owner of the subject property, if not the applicant, approving of the filing of the application by the applicant.

3. A survey of, and legal description and street address for, the subject property.

4. A statement demonstrating compliance of the proposed planned development with the commercial areas revitalization master plan, and evidence of the proposed project's compliance in specific detail with each of the standards for planned developments provided in this chapter.

5. A scaled site plan showing the existing contiguous land uses, natural topographic features, zoning districts, public thoroughfares, and transportation and utilities.

6. A scaled site plan of the proposed planned development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.

7. Schematic drawings illustrating the design and character of the building elevations, types of construction, and floor plans for all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area for all uses or combinations of uses, and the floor area for the entire proposed planned development.

8. A landscaping plan showing the location, size, character, and composition of vegetation and other material.

9. The substance of existing covenants, easements, and other restrictions, and any to be imposed, on the use of land, including common open space, and buildings or structures.

10. A schedule showing the approximate date for beginning and completion of each stage of construction of the planned development.

11. A professional traffic study acceptable to the village showing the proposed traffic circulation pattern within and in the vicinity of the area of the planned development, including the location and description of public improvements to be installed, and any streets and access easements.

12. A professional environmental impact study identifying and describing the nature and extent of noise, light, and other potential environmental impacts associated with the planned development and the property on which the planned development is located, and the plans necessary to address those impacts.

13. A professional economic analysis acceptable to the village, including the following:

a. The financial capability of the applicant to complete the proposed planned development;

b. Evidence of the project's economic viability; and

c. A comprehensive analysis summarizing the economic impact the proposed planned development will have upon the village.

14. Copies of all environmental impact studies as required by law.

15. An analysis setting forth the anticipated demand on all village services resulting from the proposed planned development.

16. A plan showing off site utility improvements required to serve the planned development, and a report showing the cost allocations and funding sources for those improvements.

17. A site drainage and stormwater detention and maintenance plan for the proposed planned development.

18. A photometric/lighting plan for the proposed planned development.

19. A written summary of residents' comments pertaining to the proposed application from any public meeting or hearing held pursuant to subsection 13-15-5B or C of this chapter.

20. Plans necessary to describe, establish, and maintain appropriate property and building security and site control measures for the planned development and the property on which the planned development is located. These plans shall also include measures to prevent adverse impacts on neighboring properties.

C. Fees:

1. General Fees: Each application for a planned development shall be accompanied by a fee in the amount established by the corporate authorities from time to time payable to the order of the village to defray the costs and expenses of the planned development procedures, and any other filing or other charges established pursuant to this subsection.

2. Additional Cost Recovery: Every application filed for a planned development pursuant to this chapter that requires the village to incur third party costs or expenses, including, without limitation, legal fees incurred by the office of the village attorney or any attorney or firm retained by the village, shall be subject to the cost recovery fee and lien provisions set forth in this subsection. The cost recovery fee shall be in addition to the general fees.

3. Responsibility For Payment: The owner of the property that is the subject of the application and, if different, the applicant, shall be jointly and severally liable for the payment of the general fees, the cost recovery fee, and for the cost recovery lien. By signing and authorizing the application, the owner or applicant shall be deemed to have

agreed to pay, and to have consented to, the general fees and cost recovery fee, plus any costs of collection, that have not been paid within thirty (30) days following the mailing of a written demand for payment to the owner or applicant at the address set forth on the application, including any additional cost recovery fees assessed herein. Any lien filed pursuant to this subsection may be foreclosed in the manner provided for mortgages or mechanics' liens under Illinois law.

4. Recoverable Costs: For purposes of calculating the cost recovery fee and general fees, the costs incurred by the village with respect to the following items shall be deemed to be the "actual costs" incurred by the village in processing an application for a planned development:

a. Publication and mailing of notices;

b. Court reporter and recording secretarial services;

c. Professional and technical consultant services;

d. Village attorney, or other village related attorney or law firm, consultation, meeting attendance, document preparation, and review;

e. Copy reproduction;

f. Document recordation; and

g. Inspection fees.

5. Escrow: For each application filed and processed pursuant to this chapter that requires the village to incur third party costs or expenses, an application fee escrow account shall be established as provided below:

a. Initial Deposit: Every petition filed that requires the village to incur third party costs or expenses shall be accompanied by an initial deposit for purposes of paying additional application fees. The amount of the initial deposit shall be determined by the village manager, and the initial deposit and any subsequent deposit shall be placed in an application fee escrow account. No interest shall be payable on any such escrow account.

b. Draws From Escrow: From the date of filing of any application, the village shall maintain an accurate record of the actual costs of processing and reviewing the application. The village shall, from time to time, draw funds from the escrow account established to pay costs identified in subsection C4 of this section and shall transfer funds to the appropriate village accounts. The village shall maintain an accurate record of all draws.

c. Additional Deposits: Should the village at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing an application, the village shall inform the applicant of that fact in writing and demand an additional deposit in an amount deemed to

be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the applicant, the village may direct that processing of the application be suspended or terminated. Any termination shall be deemed a withdrawal of the application by the applicant.

d. Final Settlement: As soon as reasonably feasible following final action on an application, the village shall cause a final accounting to be made of the escrow deposits made in connection with the application and the actual costs of processing the application and shall make a final charge of costs against the escrow deposit. A copy of the accounting shall be provided to the applicant. If the amount in the escrow is insufficient to pay the total actual costs, a written demand for payment of the balance due shall be mailed to the applicant. If any unused balance remains in the escrow account after paying the total actual costs, that amount shall be returned to the applicant.

6. Waiver For Specified Public And Charitable Bodies: The provisions of this subsection may be waived by the corporate authorities for fees applicable to any application filed by any public body, or any agency deriving the majority of its revenues from taxes levied within the village, or any charitable or eleemosynary organization.

7. Condition Of All Planned Development Applications And Approvals: No application filed pursuant to this chapter shall be considered complete unless and until all fees due pursuant to this subsection C have been paid. Every approval granted and every permit issued pursuant to this chapter shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of cost recovery fees as required by this subsection C.

8. Time Periods: Where this chapter provides that the passage of time without decision or action shall be deemed an approval or recommendation for approval, all time periods shall be tolled during any period of nonpayment, but shall otherwise continue to run.

9. Failure To Pay: The failure to fully pay cost recovery fees when due shall be grounds for refusing to process an application and for denying or revoking any planned development approval sought or issued with respect to the land or development to which the unpaid fee relates. (Ord. G-890, 7-14-2009)

13-15-7: EFFECT OF APPROVAL OR DENIAL:

A. Approval of the planned development by the corporate authorities authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other permits which the village may require for the proposed planned development. The village's ~~community development director~~ Director of Development Services shall review applications for these permits for compliance with the terms of the planned development granted by the corporate authorities and other applicable requirements. No permit shall be issued for development which does not comply with the applicable requirements of law, including, without limitation, the terms and conditions of the planned development ordinance approved by the corporate authorities.

B. The village shall administratively revise the official zoning map to properly note the existence and boundaries of each approved planned development; provided, however, that any such notation of a planned development shall not constitute a map amendment to the official zoning map.

C. Subject to subsection G of this section, the corporate authorities may declare the approval of a planned development null and void if the recipient does not file a complete application for a building permit relative to the proposed planned development within nine (9) months after the date of adoption of the ordinance approving the planned development.

D. Subject to subsection G of this section, the corporate authorities may declare the approval of a planned development null and void if construction has not commenced within twenty four (24) months, and is not completed within thirty six (36) months, after the date of adoption of the ordinance approving the planned development, except as may otherwise be provided in the ordinance approving the planned development.

E. Subject to subsection G of this section, the corporate authorities may declare the approval of a planned development with a phasing plan null and void if construction has not commenced and is not completed in accordance with the terms of the phasing plan.

F. Subject to subsection G of this section, the corporate authorities may declare the approval of a planned development with a master development plan null and void if construction has not commenced and is not completed in accordance with the terms and conditions contained in the master development plan.

G. An extension of the time requirements provided pursuant to subsections C, D, E, and F of this section may be granted by the corporate authorities for good cause shown by the applicant, provided a written request is filed with the village at least four (4) weeks prior to the respective deadline.

H. The corporate authorities may declare the approval of a planned development null and void if the use or combination of uses for which the approval was granted ceases for a consecutive period of one year.

I. No application for a planned development which was previously denied by the corporate authorities shall be considered by the planned development commission or the corporate authorities if it is resubmitted in substantially the same form and content within one year of the date of such prior denial.

1. The ~~community development director~~ Director of Development Services shall review the application for a planned development and determine if the application is or is not substantially the same as a previously denied application. An applicant has the right to request a meeting before the corporate authorities to appeal the determination of the ~~community development director~~ Director of Development Services that the application is substantially the same, provided a petition for appeal is filed in writing with the village manager within ten (10) days after the ~~community development director's~~ Director of Development Services determination.

2. The corporate authorities shall affirm or reverse the determination of the ~~community development director~~ Director of Development Services, regarding whether the new application is substantially the same as a previous application, within forty five (45) days after receipt of the appeal.

3. If it is determined that the new application is not substantially the same, then the applicant shall be entitled to continue with the application process and have the application reviewed in accordance with the provisions of this chapter. (Ord. G-890, 7-14-2009)

13-15-8: AMENDMENTS AND CHANGES TO APPROVED PLANNED DEVELOPMENT PERMITS:

A. Major Change. Except for those specific alterations that meet the standards to qualify as a "minor change~~s~~" as provided in subsection B, or an administrative change as provided in subsection C ~~of this section~~, any amendments or modifications to an approved planned development or any addition to or expansion of an existing planned development shall require separate review and approval under the provisions applicable to the initial approval of a planned development.

B. A "minor change" is any change in the site plan or design details of an approved planned development which is consistent with the standards and conditions applicable to the planned development and which does not alter the concept or intent of the planned development, but does not meet the standards of an "Administrative Change" in subsection C. ~~A minor change shall not increase the planned development's density, add new uses, increase any applicable bulk regulation, reduce open space, modify the proportion of housing types, change or add new parking areas, alter alignment of roads, utilities or drainage, amend final development agreements, provisions or covenants, or provide any other change inconsistent with any standard or condition imposed by the corporate authorities in approving the planned development.~~ A developer's request for M~~m~~inor C~~c~~hange ~~may be approved by the village manager, following receipt of a recommendation~~ must be accompanied by an accurate schematic and descriptive narrative of the proposed changes (the " Minor Change Request"). ~~of~~ T~~t~~he ~~community development director~~ Director of Development Services shall make a written recommendation (the "Written Recommendation") to the Village Manager who shall then submit the Minor Change Request and Written Recommendation to the Village President and Board of Trustees (collectively the "Corporate Authorities") for review, such review period not to exceed seven (7) calendar days (the "Notice Period"). At the conclusion of the Notice Period:~~, without obtaining separate approval by the corporate authorities.~~

1. If less than two members of the Corporate Authorities provide a written objection to the Village Manager, the Written Recommendation shall be deemed acceptable and the Minor Change Request shall be approved by the Village Manager;

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2. If two or more members of the Corporate Authorities provide a written objection to the Village Manager, the Written Recommendation and Minor Change Request shall be referred to the Corporate Authorities at next available Village Board of Trustees meeting for discussion and/or referral to the Planning and Zoning Commission. At the meeting:
    a. If the Corporate Authorities, by majority vote present at such meeting, vote in favor to refer to the Minor Change Request to the Planning and Zoning Commission, then such request shall be deemed a Major Change, requiring separate review and approval under the provisions applicable to the initial approval of a planned development.
    b. Any failed vote, by majority present at such meeting, to vote in favor to refer the Minor Change Request to the Planning and Zoning Commission shall be deemed acceptance of the Written Recommendation and the Minor Change Request shall be approved by the Village Manager.

C. Administrative Change. An "Administrative Change" is a nominal change in the site plan or design details of an approved planned development which is consistent with the standards and conditions applicable to the planned development and which does not materially alter the concept or intent of the planned development. Nominal changes shall be defined as minor shifting of elements within the plan which are other unrecognizable to the general public. Such nominal changes may include shifting of landscape elements, without reduction in number, substantially similar material substitutions, minor architectural modifications such as shifting or rearrangement of features without reduction in the quality of materials or design, or shifting of underground utilities. An Administrative Change may be approved by the Village Manager following receipt of a written recommendation (the "Written Recommendation") of the Director of Development Services.

D. The standard to apply to changes outlined in subsections B and C of this section shall include any material change, which shall be defined as any change where there is a substantial likelihood that such change, when viewed by a reasonable person, would result in an outcome that: (i) is inconsistent with the standards and conditions applicable to the planned development; or (ii) alters the concept or intent of the planned development. The following changes shall be deemed to be material for purposes of this section and specifically excluded from the scope of an Administrative Change or a Minor Change:

- Any increase the planned development's density(including but not limited to FAR or Lot Coverage);
- Any addition of any new uses not otherwise permitted by the underlying Zoning District;
- Any increase in any applicable bulk regulation;
- Any reduction in open space;
- Any modification of the proportion of units and/or bedroom counts

- Any change to, addition or removal of any new parking areas
- Any alteration of the alignment of roads or above-ground utilities;
- Any amendment of final development agreements, provisions or covenants
- Any sign not permitted by the Sign Code
- Any electrical box, gas line, meter, emergency exit door, or other such feature facing an entrance or public street which is not fully screened in a year-round manner;
- Any other change inconsistent with any standard or condition imposed by the corporate authorities in approving the planned development.

~~C~~ E. The provisions and limitations of subsections A through ~~and B~~D of this section are subject to such additional conditions and provisions as the corporate authorities may include in the ordinance approving a planned development.

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Under Title 13, Chapter 18 (New Chapter)

LANDSCAPE STANDARDS

13-18-1: PURPOSE

13-18-2: LANDSCAPING REQUIREMENTS

13-18-3: ENERGY CONSERVATION AND GREEN BUILDING

13-18-1: PURPOSE:

The regulations of this Chapter 18 are intended to establish a comprehensive set of procedures, standards and guidelines for the appearance, design, landscaping, and environmental quality of properties within the Village, and to further:

Promote the public health, safety, and general welfare of the citizens of the Village;

Promote orderly community development, as well as encourage both high quality and innovative designs;

Protect and enhance property values;

Protect and enhance the social, cultural, economic, environmental and aesthetic development of the community; and

Ensure that the Village remains a safe and attractive community in which to reside and operate a business.

13-18-3: LANDSCAPING REQUIREMENTS:

A. Chapter 4 of Title 8, Trees and Shrubs, should be referenced for general requirements for landscaping in the public right-of-way, obstructions of public areas from landscaping on private property, and treatment of diseased trees.

B. Landscape Plan Requirements. All landscape plans so submitted shall be at an appropriate scale, not smaller than 1 inch = 20 feet. Completed landscape plans shall contain information including but not limited to: detailed landscape site plan information; detailed schedule of landscape materials; and irrigation plans, as outlined below:

1. Title Block.

2. Name and Address of the property owner/petitioner.

3. Name of Registered Landscape Architect /Contractor.

4. Landscape Architect's /Contractor's firm name and address.

5. Scale data, north arrow and date and date of any revisions.

6. All site plan information as required in Chapter 18, Section 2; Location of Existing Conditions and Proposed Landscape Improvements, including:

   a. Identification of all proposed plant materials with planting bed, planters, and planter box locations and dimensions.

   b. Treatment of all ground surfaces (ground covers, sod, seed, seasonal beds, paving, impervious and pervious materials).

   c. Walls and fences (indicating height and material).

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d. Parking spaces and driveway aisles.

e. Spot elevations and/or contours, existing and proposed.

f. Berms, with one (1) foot interval contours indicated.

g. Sidewalks and pedestrian paths.

h. Existing tree survey (six (6) inch caliper and above, with drip line), noting trees proposed for removal and planned for preservation.

i. Monument sign locations.

j. Refuse/Recycling disposal areas.

k. Public rights of way/easements, including street widths/drives/approaches.

l. Other exterior landscape amenities including exterior tables and benches.

7. Schedule of proposed and existing landscape material, including:

a. List of all proposed plantings, indicating common and botanical names, caliper, height or size and quantity.

b. List of all existing trees proposed for removal, six (6) inch caliper or greater, indicating caliper, common and botanical names.

c. List of all existing trees, six (6) inch caliper or greater, planned for preservation, indicating caliper size, common and botanical names.

8. Irrigation Plan, including system details and sprinkler head locations, providing for underground irrigation of planting beds or a water supply outlet no greater than one hundred fifty (150) feet from planting beds, if required.

9. Construction erosion control plan.

10. Where applicable, the Development Services department may require less information, or any other additional information to appropriately evaluate compliance of the proposed development or improvement.

C. Planting Design and Preservation Criteria

1. New planting materials used in conformance with the provisions of this Chapter, shall be:

a. Plants approved by the Village of Oak Brook, in accordance with the list of approved trees contained in the public works construction standards, the Ornamental Growers Association of Northern Illinois, or the Illinois Chapter of Landscape Contractors listings.

b. High quality nursery-grown stock. Substandard "B-grade" or "Park Grade" plants are not acceptable.

c. Plants listed as "Do not plant" by the Morton Arboretum are not acceptable.

d. Grown in a climate zone similar to Oak Brook. (i.e., United States Department of Agriculture Zone 5b).

e. Capable of withstanding the extremes of individual site microclimates.

f. Selected for interest in its structure, texture, color and for its ultimate growth.

g. In conformance with the American Standards for Nursery Stock, ANSI Z60.1-Latest Edition.

h. For each plant group (canopy tree, evergreen tree, etc.) there shall be no more than twenty-five percent (25%) of one genus.

i. Existing trees with an eight inch (8") caliper or greater shall be preserved on the property to the extent possible, as determined by the Development Services department.

j. Evergreens shall be incorporated into the landscape plan and treatment of a site, particularly in required buffers for property zoned residential, the screening of refuse holding areas, and critical points of required parking lot screening.

k. To ensure that landscape materials do not constitute a driving hazard, clear Intersection Sight Distance shall be established at all street intersections and at the intersection of site driveways and streets as required by Bureau of Local Roads and Streets Manual, Chapter 28.

l. Plant materials shall be placed against long expanses of building walls, fences and other barriers to soften their effect. Grouping of plants shall be encouraged.

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m. Where site characteristics or property dimensions limit the use or survivability of live landscaping as an effective screen, masonry walls shall be used for required screening subject to the regulations set forth in Chapter 13-3-17 (Fences Regulations).

1) All masonry walls or decorative fencing shall be constructed and installed in a durable fashion, and shall have the finished side facing the street or property line.

D. Installation of Plant Materials:

1. Plant materials of all types and species shall be installed in accordance with the minimum technical specifications of the "Illinois Chapter of Landscape Contractors," including the guarantee and replacements sections.

2. Minimum plant sizes at time of installation shall be:

a. Shade Trees: two and one-half (2 1/2) inch caliper.

b. Ornamental Trees: two (2) inch caliper or if in clump form, six (6) feet in height.

c. Evergreen Trees: five (5) feet in height.

d. Shrubs required for screening: three (3) feet in height; shrubs used for other purposes: eighteen (18) inches in height.

e. Ground Cover: spaced no less than twelve (12) inches on center.

f. Perennials: spaced no less than is recommended for the particular species.

3. Plantings on any portion of the public right-of-way provided by an adjacent property owner, association, or individual, that are removed as a result of Village utility construction or maintenance, or other Village activities, may be replaced at the sole responsibility of the property owner, association or individual. The Village shall not be required to replace any plant material in the public right-of-way.

E. Minimum Setbacks and Landscape Requirements for Off-Street Parking Lots:

1. Every off-street parking lot or parking area containing five (5) or more parking spaces shall be buffered and screened from public view and adjacent property by a berm and perimeter landscaped area in accordance with the yard setback

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requirements of Chapter 12, 13-12-3 H. (Off Street Parking Regulations). The minimum parking lot setbacks shall be maintained in accordance with the following schedule:

2. The minimum width for the perimeter screening area shall be measured from the property line and shall not include any parking overhang.

3. No buildings or parking area shall be permitted within a required buffer yard.

4. Screening within the perimeter setback area shall consist of a berm, trees, densely planted hedge, massing of shrubs, and may include a masonry wall and other plant material installed in a manner so as to inhibit public views of the parking area. Landscape materials in perimeter parking areas shall include plants that are salt-tolerant and provide year-around screening. The surface of the perimeter setback area shall be suitably covered with grass, ground cover or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone is prohibited. The landscape buffer shall not be used for the purposes of parking, loading, servicing, or storage.

   a. Landscape Requirements for Parking Lots Facing Public Streets and Residential Districts. Landscaping materials within perimeter parking setback areas facing a public street shall contain the following minimum number of plant materials:

      1. Evergreen trees: 1 tree/20 lineal ft.
      2. Evergreen shrubs: 1 shrub/4 lineal ft.
      3. Deciduous shrubs: 1 shrub/4 lineal ft.
      4. Ornamental trees: 1 tree/25 lineal ft.
      5. Shade trees: 1 tree/50 lineal ft.

   b. Landscape Requirements for Parking Lots Not Facing a Public Street or a Residential District. Landscaping materials within perimeter parking setback areas not facing a public street may be reduced by 30% as required in Section E.4.a. above.

   c. Where a fence or masonry wall are provided to effectively screen parking areas, plants providing year-around screening may be reduced.

   d. The minimum berm height shall be 30 inches and shall have average height of five feet (5') with a 3:1 slope. Shrubs and other landscape material shall be planted on berms to provide seasonal color, and to ensure landscape screening is maintained between thirty-six (36”) and forty-eight (48”) inches height.

5. Perimeter screening of parking areas shall be continuous, except for breaks as may

be permitted for pre-existing trees or planned additional trees, sidewalks, driveways and sight triangles.

6. Shrubs, hedges and other perimeter screening material shall be at least three (3) feet in height at time of installation.

7. The surface of the perimeter setback area shall be suitably covered with grass, ground cover or similar vegetation and periodically mulched where appropriate.

8. A six (6) inch continuous poured-in-place concrete curb shall separate all drive and parking surfaces from landscape areas, except where bio-filtration design requires breaks for water inflow.

F. Minimum Landscape and Screening Requirements for Parking Structures:

1. All parking structures shall be landscaped (which includes 1 or more berms) pursuant to a landscape plan prepared by a landscape architect to screen substantially the first level from adjacent streets and other uses. For any parking structure that is four (4) floors or less in height, the landscaped area must be a minimum of ten feet (10') in depth but must average fifteen (15) in depth for all screening. For any parking structure that is in excess of four (4) floors, the landscaped area must be a minimum of twenty feet (20') in depth. Any approved landscape plan required for screening of a parking structure must incorporate evergreens within the plantings and include a maintenance schedule to ensure that any damaged or dead trees, shrubs or ground cover shall be replaced promptly. Regular maintenance of these landscaped areas shall also be required.

G. Interior Landscaping Requirements

1. A planting island equal in area to a parking space shall be located at each end of a parking row, and after each fifteen (15) parking spaces within a parking row.

   a. The maximum spacing requirement between parking spaces and landscaped islands may be varied to allow for a lesser number of larger landscaped islands to be provided, which islands shall be of sufficient size to sustain a diversity of plant material and shall be designed and placed within the parking lot in a non-grid fashion in order to create relief in the monotonous layout of the parking lot.

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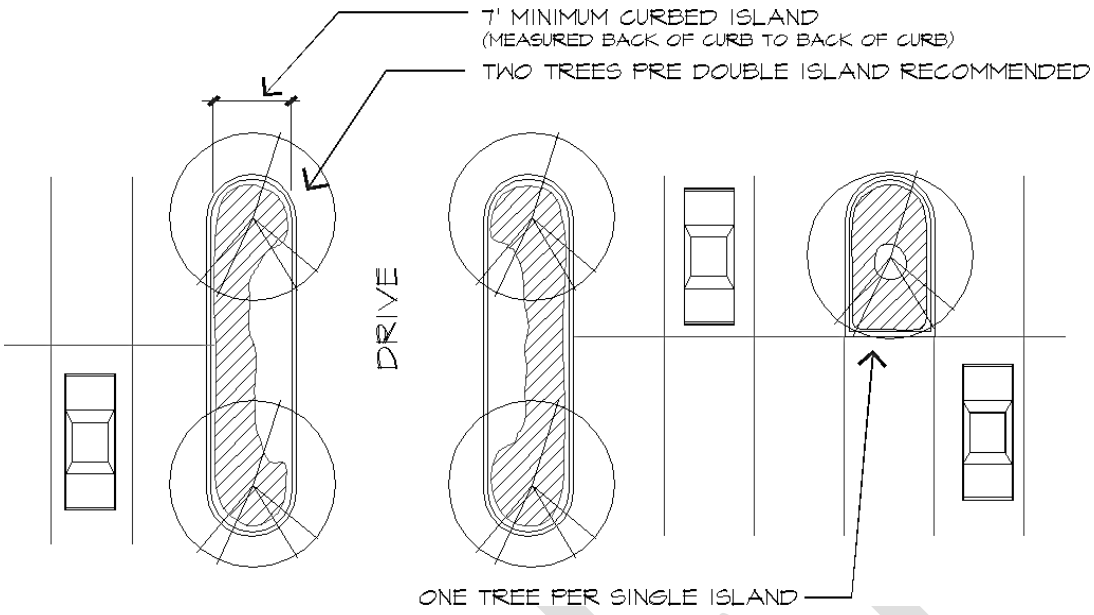
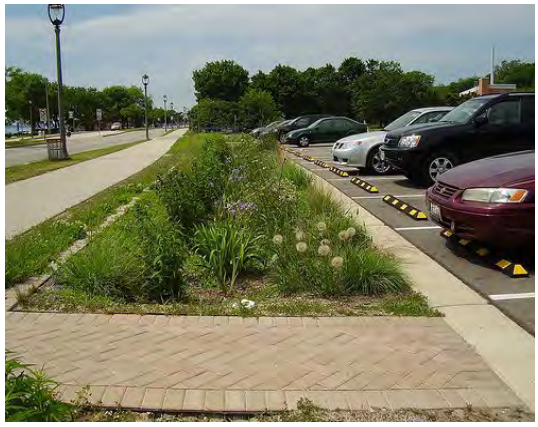


Example of a Planting Island Equal to a Parking Space

2. The total tree count shall be no less than one tree per five parking lot spaces.
3. Landscaped dividers or continuous islands with a minimum width of six (6) feet shall be provided between every three (3) parking bays.

   a. The installation of bio-filtration swales for landscaping and stormwater management purposes is encouraged within larger, continuous planning islands. Flood-tolerant plants should be used which will remain healthy when used in bioswales.



Example of a continuous bio-swale planting island.

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b. Continuous islands help divide large parking areas into smaller parking fields, provide more room for plants to grow, and provide areas for pedestrian access. Trees are recommended to be planted in the continuous landscaped island every 25' on-center.

Each parking island shall include at least one shade tree ~~or evergreen~~ [where visibility is not restricted]. At least fifty percent (50%) of the remaining portions of the surface of the planting island shall be covered with sod, plants with seasonal interest, low shrubs, and salt- tolerant ground cover. The remaining area shall contain landscape mulch. A layer of stone or impervious materials such as asphalt and concrete is prohibited.

4. A six (6) inch continuous poured in place curb shall separate and surround all interior landscape island areas, except when designed for bio-filtration purposes.

5. Except those designed as bio-infiltration islands, all landscaped islands shall have a minimum topsoil depth of three (3) feet and mounded to a center height which has a 1 to 3 percent slope above the top of the curb height.

H. Minimum Landscape Requirements for Foundations Plantings

1. For commercial construction, a minimum building foundation landscape area of five (5) feet in width shall be located immediately along the front and sides of all buildings, except for entryways.

2. A six (6) inch curb shall separate all foundation landscape areas from the drive aisle and parking areas.

3. Foundation landscaping shall include a minimum of 1 plant for each 3 lineal feet of the foundation, and shall include a variety of shade trees, ornamental trees, hedges, shrubs, evergreens and ground cover in a manner which accents building entranceways and architectural features, softens large expanses of building walls, and screens mechanical equipment. Landscaping can be linear or grouped.

I. Miscellaneous Landscape Requirements

1. Landscaping of Monument/Ground and Pole/Pylon Signs: For every one square foot of total sign area of the ground and pole sign, one square foot of landscaped

area shall be extended at least three feet (3') beyond the sign faces or supporting structures in all directions.

a. The landscaped area shall consist of plantings such as, but not limited to, shrubs, evergreens, flowering plants and ground cover plants. Landscaping bark, mulch, sod or seeded areas shall not be considered in calculating the square footage of the required landscaped area.
b. Exposed sign foundations shall be constructed with a finished material such as brick, stone, architectural metal, exposed aggregate or wood. Plain, "bagged" or parged concrete is not an approved finish material.
c. Landscaping must be maintained in a manner that prevents the screening or blocking of addresses and other information provided on the monument sign.

J. Landscaping and Screening of Ground Mounted Mechanical and Utility Equipment:

1. All ground mounted mechanical equipment, including heating and air conditioning units, generators and pool equipment shall be screened by a solid fence, wall, or densely planted evergreen landscape planting at a maximum height sufficient to obscure such equipment from view from all adjacent streets, and adjacent lots used for residential purposes.

2. All fences installed to satisfy the screening requirement shall comply with the regulations of Title 13, Chapter 3 (FenceType) and with all other applicable Village Code regulations.

K. Water Supply; Underground Irrigation: A water supply to irrigate landscaping is required within one hundred fifty (150) feet of all landscaped areas. Installation of an underground irrigation system is recommended.

L. Changes to Approved Landscape Plan: Any change to an approved Landscape Plan shall require the prior approval of the Development Services department, or designee.

M. Landscape Maintenance Required:

1. Property Owners shall be responsible for ongoing maintenance, fertilization, repair and replacement of all vegetation, barriers and landscape planting materials. Landscaping should be properly maintained on a weekly or monthly basis (depending on the plantings) and include seasonal "clean- ups" in the spring and fall, to enhance the built environment in perpetuity.

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2. Plants shall be regularly inspected for pests in accordance with Best Management Practices recommended by the Illinois Landscape Contractors Association.

3. Plants shall be pruned and litter removed in accordance with Best Management Practices recommended by the Illinois Landscape Contractors Association.

4. Replacement plantings shall be no less than the minimum required size or the size indicated in the approved Landscape Plan, whichever is greater.

5. The Property Owner shall make replacement plantings promptly after any plant has died but no later than one hundred twenty (120) days after notification by the Village of violation of this Ordinance, unless a time extension for inclement weather is given.

6. Planting beds shall be initially, and thereafter periodically, filled with soil and mulched in their entirety, with shredded bark or other organic equivalent.

7. Variations: A Property Owner may file an application for a variation when compliance with the requirements of this Chapter for a new or pre-existing building pose a practical hardship in accordance with the procedures and standards in Chapter 14 of Title 13 (Variations).

13-18-3: ENERGY CONSERVATION AND GREEN BUILDING

A. Energy Efficient Building Design:
   1. Multiple-family, commercial, office and industrial construction of green buildings, including LEED certified buildings, is encouraged. All planned development shall comply with the requirements of Chapter 15, Section C.5 (13-15-3C.5)– Energy Efficient Building Design.

   2. Energy conserving, energy efficient, and Energy Star products should be selected for non single- family buildings.

   3. Building heating, cooling, and power should utilize solar, geothermal, wind, and bio-fuel resources where practical.

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4. Construction, demolition, and land clearing debris should be salvaged, reused or recycled.

5. Roof structures with light colored materials to reduce energy loads and extend the life of the roof.

6. Green Roofs that incorporate vegetation on the roof assembly can lead to significant cost savings in thermal insulation, with the added advantages of stormwater runoff control, increased waterproof membrane life, sound insulation and a usable green space on the roof.

Stormwater runoff is treated in a series of rain gardens within the parkway of this urban street section

B. Site Design:

1. Integrate Natural Resources to ensure contiguous and well-planned open space and preservation of the site's natural resources. A planned development must provide, to the extent possible, for the preservation or creation of unique amenities such as natural streams, stream banks and shore buffers, wooded cover, rough terrain, man-made landforms or landscaping and similar areas.

2. The use of permeable paving systems or and naturalized stormwater management best practice systems is encouraged.

Permeable pavers

The bioswale filters runoff and reduces the amount of stormwater introduced into the underground sewer system

3. Incorporate transportation solutions that acknowledge the need for bicycle parking and carpool staging.

4. Designated parking, close to the primary building entrance, should be provided for energy-efficient cars and carpools.

5. Multifamily structures should incorporate Electric Vehicle chargers in design.

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ITEM 6.E.1.
BOARD OF TRUSTEES MEETING
SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

AGENDA ITEM

Board of Trustees Regular Meeting
of
May 14, 2024

SUBJECT: Blistex Ordinance S-1696

FROM: Rebecca Von Drasek, Development Services Director

BUDGET SOURCE/BUDGET IMPACT: N/A

RECOMMENDED MOTION: I move that the Village Board approve Ordinance S-1696, An Ordinance Granting Variations from Provisions of Section 13-12-3H.2 And 13-15-2.A of Title 13 ("Zoning Regulations") of The Village Code of the Village of Oak Brook to Allow Additional Parking Spaces for the Property Located At 100 Windsor Drive In the Village Of Oak Brook, Illinois

Background/History:
Blistex 100, LLC submitted a petition seeking approval of variations in order to increase the number of parking spaces along the south and east frontages of the building adjacent to Windsor Drive and Swift Drive. The Village of Oak Brook Zoning Ordinance allows up to six (6) spaces in the required front yard between the principal structure and the street.

Blistex 100 LLC intends to convert the Windsor Drive property into a packaging and manufacturing facility and is seeking variations to accommodate employees overlapping in three shifts by adding 96 parking spaces.

At present the site has a total of 46 parking spaces existing on the Windsor Drive property, six of which are located in the existing front yard along Windsor Drive (which will be removed). Blistex 100 LLC is seeking to increase the total number of on-site parking spaces to 136 by adding 46 spaces on the front yard and 50 spaces on the yard facing Swift Drive.

The applicant is seeking the variations from Section 13-12-3H.2 in order to accommodate the construction of an additional 96 parking spaces. The petitioner is also seeking a variation from Section 13-15-2.A requiring a Planned Development.

Recommendation:

Staff recommends that the Village Board approve Ordinance S-1696, An Ordinance Granting Variations from Provisions of Section 13-12-3H.2 and 13-15-2.A of Title 13 ("Zoning Regulations") of the Village Code of the Village of Oak Brook to Allow Additional Parking Spaces for the Property Located at 100 Windsor Drive In the Village of Oak Brook, Illinois

Attachments:

1. 2024-ZO-V-EX-S-1696

THE VILLAGE OF OAK BROOK
COOK AND DUPAGE COUNTIES, ILLINOIS

ORDINANCE
NUMBER 2024-ZO-V-EX-S-1696

AN ORDINANCE GRANTING VARIATIONS FROM PROVISIONS OF SECTION 13-12-3H.2 AND 13-15-2.A OF TITLE 13 ("ZONING REGULATIONS") OF THE VILLAGE CODE OF THE VILLAGE OF OAK BROOK TO ALLOW ADDITIONAL PARKING SPACES FOR THE PROPERTY LOCATED AT 100 WINDSOR DRIVE IN THE VILLAGE OF OAK BROOK, ILLINOIS

LAURENCE E. HERMAN, Village President
NETASHA SCARPINITI, Village Clerk

NAVEEN JAIN
MICHAEL MANZO
MELISSA MARTIN
JAMES NAGLE
A. SURESH REDDY
EDWARD TIESENGA

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Oak Brook
on this the 14th day of May 2024

ORDINANCE 2024-ZO-V-EX-S-1696

AN ORDINANCE GRANTING VARIATION FROM PROVISIONS OF SECTION 13-12-3H.2 AND 13-15-2.A OF TITLE 13 ("ZONING REGULATIONS") OF THE VILLAGE CODE OF THE VILLAGE OF OAK BROOK TO ALLOW ADDITIONAL PARKING SPACES FOR THE PROPERTY LOCATED AT 100 WINDSOR DRIVE IN THE VILLAGE OF OAK BROOK, ILLINOIS

PINS: 06-24-402-023

WHEREAS, the Village of Oak Brook is a municipal corporation organized pursuant to the laws of the State of Illinois;

WHEREAS, the Village of Oak Brook is authorized by the Illinois Municipal Code, 65 ILCS 5/11-13-5, to vary its zoning regulations where there are practical difficulties or particular hardship in observing those regulations for the use, construction, or alteration of buildings or structures or the use of land;

WHEREAS, the property owner has requested a variance from certain provisions of the Village of Oak Brook Zoning Ordinance as described herein;

WHEREAS, an application has been filed by Blistex 100 LLC the owner,(hereinafter referred to as the "***Owner***"), of the property located at 100 Windsor Drive, Oak Brook, Illinois, which is legally described in Exhibit A attached hereto and incorporated herein (hereinafter referred to as the ***"Subject Property"***) and located in the ORA-1 Zoning District, is requesting a Variation from Section 13-12-3H.2 and 13-15-2.A of the Zoning Ordinance of the Village of Oak Brook, as amended, for certain relief from Planned Development requirements and to permit an increase to the number of parking spaces along the south and east frontages of the building adjacent to Windsor Drive and Swift Drive (hereinafter referred to as the ***"Variation"***);

WHEREAS, the Village of Oak Brook Planning & Zoning Commission (the "Commission"), on April 3, 2024 held a public hearing to consider the petitioner's request and to hear testimony on the proposal and as a result of said hearing the Commission issued a positive recommendation in this matter to approve the requested Variation all pursuant to proper notice and in compliance with the laws of the State of Illinois and ordinances of the Village of Oak Brook;

WHEREAS, the Commission found the request to be reasonable in that the requested Variation is appropriate under the standards adopted by the Village of Oak Brook in its Zoning Ordinance applicable to zoning variances and made positive findings of fact in support of said variance;

WHEREAS, the Commission recommends approval of the Petitioner's request by the Board of Trustees of the Village of Oak Brook;

WHEREAS, the corporate authorities of the Village of Oak Brook find that the granting of the requested variance has no detrimental impact on the health, welfare or safety of the public in general and finds that the petitioner has met his burden in demonstrating the grounds for the requested variation; and

WHEREAS, the corporate authorities of the Village of Oak Brook find that the Owner has demonstrated practical difficulties or particular hardship in the application of the Zoning Regulations.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Oak Brook, DuPage and Cook Counties, Illinois as follows:

Section 1. Recitals. The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 2. Grant of Variation. Subject to, and contingent on the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, the Village Board of Trustees shall, and does hereby, approve a Variation to the Zoning Regulations as follows:

> Variation to Section 13-12-3H.2 of the Oak Brook Zoning Regulations to permit the increase of the total number of on-site parking spaces to 136 by adding 46 spaces on the front yard and 50 spaces on the yard facing Swift Drive for the property commonly referred to as 100 Windsor Drive, Oak Brook, Illinois.
>
> Variation to Section 13-15-2.A of the Oak Brook Zoning Regulations to permit the commercial construction of a parking lot without the approval of a Planned Development for the property commonly referred to as 100 Windsor Drive, Oak Brook, Illinois.

Section 3. Conditions. The approval granted in Section 2 of this Ordinance is expressly subject to and contingent upon each of the following conditions:

A. Substantial Conformance with Site Plan. The proposed parking and landscaping shall be constructed in substantial conformance with the site plan as submitted and attached hereto and incorporated herein as **Exhibit B.** Additionally, the landscaping will include screening of loading bay doors at the southwest location.

B. Compliance with Zoning Regulations and Village Code. The Owner shall meet all Village Ordinance requirements at the time of building permit application except as specifically varied or waived by this, or subsequent, Ordinances; and

C. Compliance with Applicable Law. In addition to the other specific requirements of this Ordinance all of the operations and activities conducted on and in the Property, must comply at all times with all applicable federal, state, and Village statutes, ordinances, Ordinances, rules, codes, and regulations.

Section 4. Failure to Comply with Conditions. Upon failure or refusal of the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, the Variation granted herein, at the sole discretion of the President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void.

Section 5. Binding Effect. This Ordinance and the privileges, obligations, and provisions contained herein shall inure solely to the benefit of, and be binding upon the Owner

and any and all of its heirs, successors, and assigns, and upon any and all current and successor legal or beneficial Owner of all or any portion of the Property.

Section 6. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

Section 7. Effective Date.

A. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law. and

B. The filing by the Owner with the Village Clerk, for recording in the Office of the DuPage County Recorder of Deeds, of an unconditional agreement and consent ***("Unconditional Agreement and Consent"***) to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. The unconditional agreement and consent must be executed by the Owner. The unconditional agreement and consent must be substantially in the form attached hereto and incorporated herein as **Exhibit C.** In the event that the Owner does not file with the Village Clerk the unconditional agreement and consent required herein within 60 days after the date of final passage of this Ordinance, the Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

Section 8. Conflict Clause. That all ordinances or parts of ordinances in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.

Section 9. Publication. This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section 10. Recording. This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Oak Brook.

Remainder of page intentionally left blank; roll call vote to follow

PASSED THIS 14th day of May 2024.

Ayes: _____

Nays: _____

Absent: _____

APPROVED THIS 14th day of May 2024.

_____
LAURENCE E. HERMAN,
Village President

ATTEST:

_____
NETASHA SCARPINITI,
Village Clerk

EXHIBIT A

Legal Description

LOT 1 IN OAK BROOK DEVELOPMENT COMPANY'S SUBDIVISION NO. 4 OF PARTS OF LOT 1 AND A VACATED PORTION OF PUBLIC STREET IN BUTLER COMPANY-M-1 INC. ASSESSMENT PLAT NO. 4, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 1968 AS DOCUMENT R68-057891, DUPAGE COUNTY, ILLINOIS.

Address: 100 Windsor Drive, Oak Brook, IL 60523
PIN: 06-24-402-023

EXHIBIT B

Site Plan

NOTES:

1. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
2. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED YELLOW UNLESS OTHERWISE NOTED.
3. BUILDING DIMENSIONS ARE TO OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
4. ALL CURB AND GUTTER SHALL BE B6.12 UNLESS OTHERWISE NOTED.
5. NET NEW IMPERVIOUS AREA UNDER 25,000 SF. DETENTION NOT REQUIRED. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES TO BE PROVIDED WITHIN PROPOSED RAIN GARDENS.

PROPERTY SIZE = 3.72 ACRES		
ZONING: ORA-1		
PARKING SUMMARY		
EXISTING SPACES = 46		
EXISTING SPACES TO BE REMOVED = 6		
PROPOSED STANDARD SPACES	=	91
PROPOSED ACCESSIBLE SPACES	=	5
PROPOSED TOTAL SPACES	=	96
EXISTING REMAINING SPACES	=	40
TOTAL PARKING SPACES	=	136

105
692.89
SCC T/C

PIN: 06-24-402-038
OWNER: CHAMBERLAIN GROUP LLC

LOT 1 OAK BROOK DEVELOPMENT CO. SUBDIVISION NO. 5
REC. 07/08/1964 DOC. R64-024071

CONC. CORNER 2.96' S

104
687.56
SCC T/C

S FACE OF SIGN 0.4' N.

0.13'W & 0.31'S

101
685.43
SCC CURB FLAG

N87°16'56"E 437.58'

100
692.46
SCC T/C

AT CORNER

CURB CORNER 4.33' NE

31.10'

99.89'

EXISTING MONUMENT SIGN TO BE REPLACED

EXISTING SWIFT DRIVE ACCESS TO REMAIN

PROPERTY BOUNDARY

N11°42'27"W 204.83'

R10'

R10'

R3'

R3'

PARKING STRIPING (TYP)

BIT. PAVEMENT 3.91' SW

JONES MEDICAL INSTRUMENT CO. SUBDIVISION PLAT
REC. 05/10/1968 DOC. R68-18632
PIN: 06-24-402-018
OWNER: JONES MEDICAL INSTRUMENT

1 STORY
BRICK/CONC. BUILDING
#100 WINDSOR DR
68,565 SQ. FT.
PIN: 06-24-402-023

LOT 1
OAK BROOK DEVELOPMENT CO. SUBDIVISION NO. 4
REC. 12/11/1968 DOC. R1968-057891

8.5' (TYP)

10' 18' 24' 18' 29.9'

S02°46'03"E 362.64'

R3'

7.5'

R3.75'

CURB CORNER 3.99' NE

CURB CORNER 4.06' NE

AT CORNER

SWIFT DR
70' R.O.W. PER DOC NO. R74-69100

SEE LANDSCAPE PLANS FOR TREES TO BE REMOVED / PRESERVED

106
688.44
SCC T/C

CURB CORNER 4.29' NE

B6.12 CURB & GUTTER (TYP)

MAIN ENTRANCE

6' SIDEWALK

6'

4'

99.98'

R3'

R25'

R4.14'

R67.5'

28.92' N. & ON LINE

10'

18'

R3'

R15'

R3'

8' 8' 8' 8' 8' 8' 8'

8.5' (TYP)

24'

R3.75'

R15'

R3'

18'

58.8'

R67.5'

0.17' W. & 0.49' S.

SIDEWALK 0.34' NW

SIDEWALK 1.02' S

26.9'

EXISTING WINDSOR DRIVE ACCESS TO BE CLOSED

CONC. CORNER 0.66' SE

CONC. CORNER 0.86' SE

S87°13'57"W 93.45'

A=47.12' R=30.00'
CB=S42°13'57"W

CONNECT TO EXISTING CURB (TYP)

CONC. CORNER 0.47' SE

A=111.23'

AT CORNER

CURB AND SIDEWALK TO BE REPLACED

AT CORNER

WINDSOR DR
70' R.O.W. PER DOC NO. R64-11028

102
684.19
SCC T/C

EXISTING MONUMENT SIGN TO BE REPLACED

A=248.24' R=935.00'
CB=S79°37'36"W

AT CORNER

EXISTING WINDSOR DRIVE ACCESS TO REMAIN

103
684.76
SCC T/C

GRAPHIC SCALE
30 15 0 30
1" = 30'

NO.	DATE	REVISIONS DESCRIPTION

ORIGINAL ISSUE DATE: FEBRUARY 16, 2024

PROJECT NO: 240044
PROJECT MANAGER: DF
DESIGNED BY: HS
DRAWN BY: RI

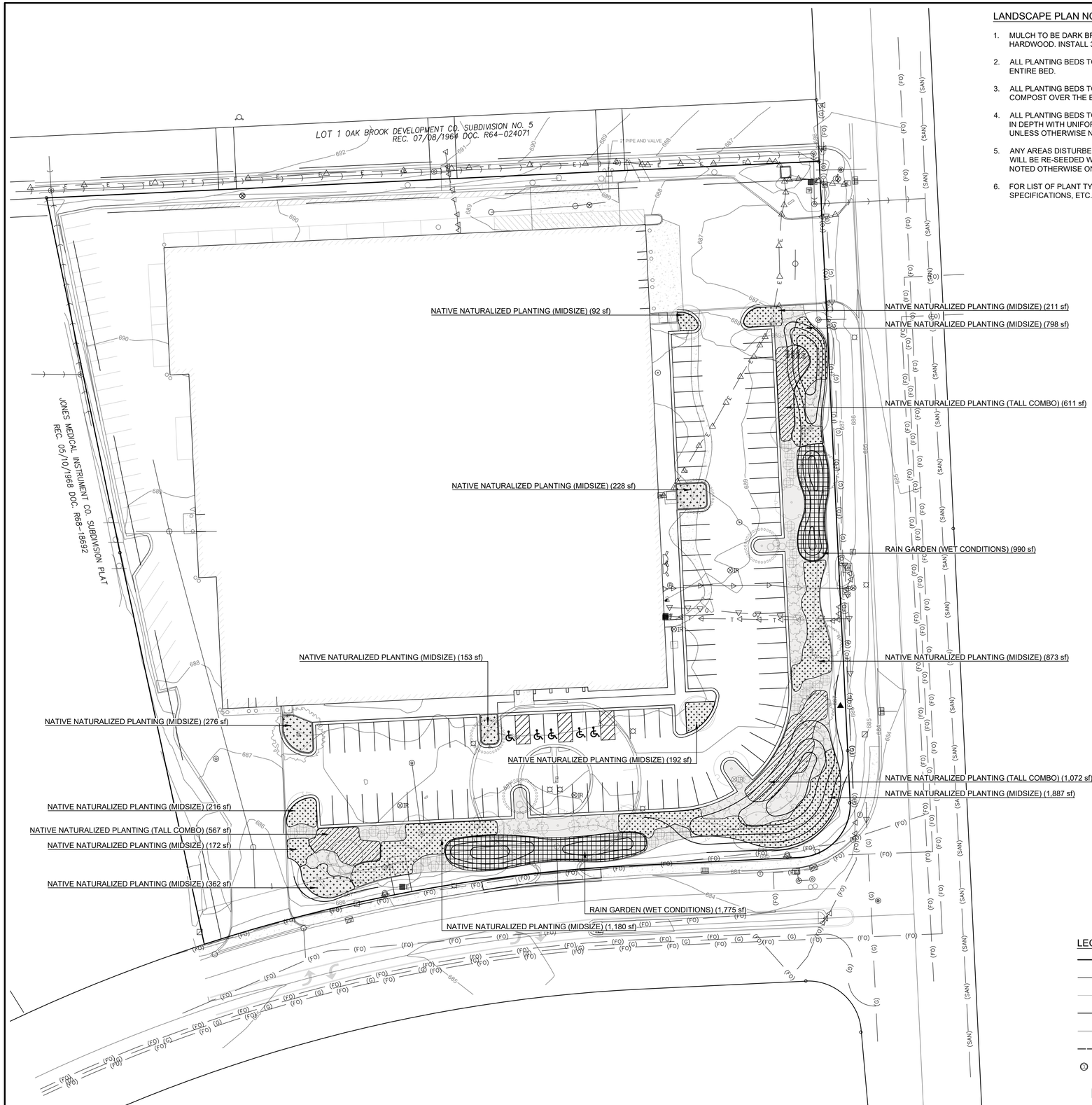
PRELIMINARY SITE PLAN

BLISTEX PARKING LOT EXPANSION

OAK BROOK ILLINOIS

7325 Janes Avenue
Woodridge, IL 60517
630.724.9200 phone
www.v3co.com

DRAWING NO.
C1.0



LANDSCAPE PLAN NOTES

1. MULCH TO BE DARK BROWN, FINELY SHREDDED HARDWOOD. INSTALL 3" THICK MINIMUM.
2. ALL PLANTING BEDS TO HAVE MULCH OVER ENTIRE BED.
3. ALL PLANTING BEDS TO BE AMENDED WITH 6" OF COMPOST OVER THE ENTIRE BED.
4. ALL PLANTING BEDS TO HAVE SPADED EDGE, 4" IN DEPTH WITH UNIFORM LINES AND CURVES UNLESS OTHERWISE NOTED.
5. ANY AREAS DISTURBED DUE TO CONSTRUCTION WILL BE RE-SEEDED WITH TURF GRASS UNLESS NOTED OTHERWISE ON THE PLANS.
6. FOR LIST OF PLANT TYPES, SIZES, SPECIFICATIONS, ETC. SEE SHEET L1.0 & L1.1.

PLANT SCHEDULE

NATIVE NATURALIZED PLANTING (TALL COMBO)

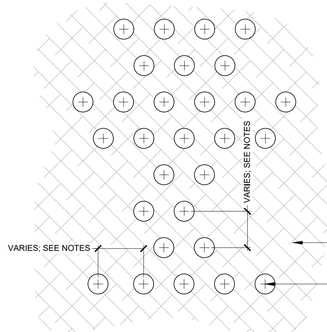
COREOPSIS TRIPTERIS / TALL COREOPSIS	PLUG	3% @ 18" oc
ERYNGIUM YUCCIFOLIUM / RATTLESNAKE MASTER	PLUG	4% @ 18" oc
HELIANTHUS OCCIDENTALIS / WESTERN SUNFLOWER	PLUG	5% @ 18" oc
LIATRIS PYCNOSTACHYA / PRAIRIE GAYFEATHER	PLUG	5% @ 18" oc
MERTENSIA VIRGINICA / VIRGINIA BLUEBELLS	PLUG	10% @ 18" oc
SANGUISORBA CANADENSIS / CANADIAN BURNET	PLUG	3% @ 18" oc
SCHIZACHYRIUM SCOPARIUM / LITTLE BLUESTEM	PLUG	10% @ 18" oc
SPOROBOLUS HETEROLEPIS / PRAIRIE DROPSEED	PLUG	60% @ 18" oc

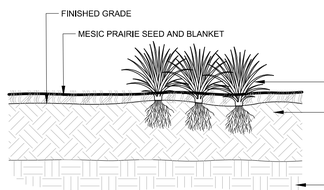
RAIN GARDEN (WET CONDITIONS)

ANDROPOGON GERARDII / BIG BLUESTEM	PLUG	20% @ 18" oc
ASCLEPIAS INCARNATA / SWAMP MILKWEED	PLUG	10% @ 18" oc
CAREX COMOSA / LONGHAIR SEDGE	PLUG	10% @ 18" oc
CAREX HYSTERICINA / PORCUPINE SEDGE	PLUG	5% @ 18" oc
CASSIA HEBECARPA / WILD SENNA	PLUG	10% @ 18" oc
IRIS VIRGINICA SHREVEI / SHREVE'S IRIS	PLUG	10% @ 18" oc
LIATRIS PYCNOSTACHYA / PRAIRIE GAYFEATHER	PLUG	10% @ 18" oc
LOBELIA SIPHILITICA / GREAT LOBELIA	PLUG	10% @ 18" oc
RUDBECKIA HIRTA / BLACK-EYED SUSAN	PLUG	15% @ 18" oc

NATIVE NATURALIZED PLANTING (MIDSIZE)

BAPTISIA ALBA / WHITE WILD INDIGO	PLUG	5% @ 18" oc
CAREX VULPINOIDEA / FOX SEDGE	PLUG	20% @ 18" oc
GEUM TRIFLORUM / PRAIRIE SMOKE	PLUG	10% @ 18" oc
LOBELIA SIPHILITICA / GREAT LOBELIA	PLUG	5% @ 18" oc
MONARDA FISTULOSA / BERGAMOT	PLUG	5% @ 18" oc
PHLOX PILOSA / DOWNY PHLOX	PLUG	5% @ 18" oc
RUDBECKIA SUBTOMENTOSA / SWEET BLACK-EYED SUSAN	PLUG	5% @ 18" oc
SOLIDAGO OHIOENSIS / OHIO GOLDENROD	PLUG	5% @ 18" oc
SORGHASTRUM NUTANS / INDIAN GRASS	PLUG	20% @ 18" oc
SYMPHYOTRICHUM NOVAE-ANGLIAE / NEW ENGLAND ASTER	PLUG	5% @ 18" oc
VERNONIA FASCICULATA / IRONWEED	PLUG	10% @ 18" oc
VERONICASTRUM VIRGINICUM / CULVER'S ROOT	PLUG	5% @ 18" oc





1 PLUG PLANTING DETAIL
1" = 1'-0"

LEGEND

- PROPERTY BOUNDARY
- 595 EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 830 PROPOSED MAJOR CONTOUR
- 831 PROPOSED MINOR CONTOUR
- TREE PROTECTION FENCE
- PROPOSED STORM STRUCTURE
- # SP PLANTING COUNT AND SPECIES DESCRIPTION

Call Before You Dig
JULIE ILLINOIS ONE-CALL SYSTEM
800.892.0123
Joint Utility Locating Information for Excavators
Call 48 hours before you dig

GRAPHIC SCALE
30 15 0 30
1" = 30

NO.	DATE	REVISIONS DESCRIPTION

ORIGINAL ISSUE DATE: FEBRUARY 16, 2024

PROJECT NO: 240044
PROJECT MANAGER: DF
DESIGNED BY: HS
DRAWN BY: RI

LANDSCAPE PLAN
BLISTEX PARKING LOT EXPANSION
OAK BROOK ILLINOIS

7325 Janes Avenue
Woodridge, IL 60517
630.724.9200 phone
www.v3co.com

DRAWING NO.
L1.1

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

WHEREAS, an application has been filed by Blistex 100 LLC, the owner, (hereinafter referred to as the "***Owner***"), of the property located at 100 Windsor Drive, Oak Brook, Illinois, which is legally described in Exhibit A attached hereto and incorporated herein (hereinafter referred to as the ***"Subject Property"***) and located in the ORA-1 Zoning District, is requesting a Variation from Section 13-12-3H.2 and 13-15-2.A of the Zoning Ordinance of the Village of Oak Brook, as amended, for certain relief from Planned Development requirements and to permit an increase to the number of parking spaces along the south and east frontages of the building adjacent to Windsor Drive and Swift Drive (hereinafter referred to as the ***"Variation"***);

WHEREAS, Ordinance No 2024-ZO-V-EX-S-1696 adopted by the President and Board of Trustees of the Village of Oak Brook on May 14th, 2024 grants approval of the Variation subject to certain modifications, conditions, restrictions, and provisions; and

WHEREAS, the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until Owner files this Unconditional Agreement and Consent with the Village Clerk and consents to accept and abide by each of the terms, conditions and limitations set forth in the Ordinance.

NOW, THEREFORE, Owner does hereby agree and covenants as follows:

1. The Owner hereby unconditionally agrees to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of the Ordinance.

2. The Owner acknowledges that: (I) public notices and hearings have been properly given and held with respect to the adoption of the Ordinance; (ii) the Owner has considered the possibility that the Variation granted by the Ordinance may be revoked if the Owner does not comply with the Ordinance; and (iii) The Owner agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits for the use of the Property, the construction of additional parking spaces and that the Village's issuance of any such permits does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.

4. The Owner agrees to and does hereby hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the operation and use of the Property, or the Village's adoption of the Ordinance.

5. The restrictions imposed by this Unconditional Agreement and Consent shall be restrictions running with the land and shall be binding upon and inure to the benefit of the Owner and his heirs, successors, assigns, agents, licensees, lessees, invitees, and representatives, including, without limitation, all subsequent Owners of the Property, or any portion thereof, and all persons claiming under him to the extent provided in this Unconditional Agreement and Consent. If any of the privileges or rights created by this

Unconditional Agreement and Consent would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then the affected privilege or right shall continue only until 21 years after the death of the last survivor of the now living lawful descendants of the current President of the United States, or for any shorter period that may be required to sustain the validity of the affected privilege or right.

6. This Unconditional Agreement and Consent may not be amended, modified, released or annulled except upon the express, prior written approval of the Village of Oak Brook.

IN WITNESS WHEREOF, _____, owner, executed this Unconditional Agreement and Consent on this ____ day of _____, 2024.

_____
[Name]

_____
[Name]

State of Illinois)
)
County of _____)

I, _____ a Notary Public in and for the County and State aforesaid do hereby certify that _____, personally known to me, and that he appeared before me this _____ day of _____, 2024, and acknowledged that he personally executed this instrument.

_____
Notary Public

Seal

EXHIBIT 1 TO UNCONDITIONAL AGREEMENT AND CONSENT

LEGAL DESCRIPTION

LOT 1 IN OAK BROOK DEVELOPMENT COMPANY'S SUBDIVISION NO. 4 OF PARTS OF LOT 1 AND A VACATED PORTION OF PUBLIC STREET IN BUTLER COMPANY-M-1 INC. ASSESSMENT PLAT NO. 4, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 1968 AS DOCUMENT R68-057891, DUPAGE COUNTY, ILLINOIS.

Address: 100 Windsor Drive, Oak Brook, IL 60523
PIN: 06-24-402-023

ITEM 6.F.
BOARD OF TRUSTEES MEETING
SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

AGENDA ITEM

Board of Trustees Regular Meeting
of
May 14, 2024

SUBJECT: Authorization to Pay Bills a Second Time

FROM: Marilyn Fumero, Finance Director

BUDGET SOURCE/BUDGET IMPACT: N/A

RECOMMENDED MOTION: I move that the Village Board authorize the Finance Department to pay bills on May 28th, June 11th, July 23rd, and August 27th, 2024, prior to Board approval.

Background/History:
The Finance Department's customary procedure is to pay bills on the day following the Village Board meeting after the list of bills has been approved. Due to the cancellation of the second regular Board meeting in May, July, and August, and first board meeting in June there would only be one disbursement run for these months.

In order to make timely payments to our vendors, we are requesting that the Board authorize the Finance Department to pay bills a second time in these months prior to Board approval. Prior to disbursement, we will provide the Board with a listing of bills to review. Also, we will present a separate list of bills containing these disbursements for approval at the Board meeting following the check run.

Recommendation:
Staff recommends that the Village Board authorize the Finance Department to pay bills on May 28th, June 11th, July 23rd, and August 27th, 2024, prior to Board approval.

Attachments:
None

ITEM 8.A.1.
BOARD OF TRUSTEES MEETING
SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

AGENDA ITEM

Board of Trustees Regular Meeting
of
May 14, 2024

SUBJECT: The Purchase of the Range Servant Ultima 45 Dual Golf Dispenser and Ultima 12 Ball Management System

FROM: Joseph Mitchell, Assistant Village Manager

BUDGET SOURCE/BUDGET IMPACT: Golf Club General Equipment Account # 831-65000 in the amount of $34,765.00. A budget amendment request will occur at the end of the second quarter of 2024.

RECOMMENDED MOTION: I move that the Village Board approve Resolution 2024-SC-GOLF-PG-R-2212 waiving the formal bidding process and authorize staff to purchase the Range Servant Ultima 45 Dual Golf Dispenser and Ultima 12 Ball Management System for Oak Brook Golf Club, an automated cleaning and dispensing system unique in the golf industry in an amount not to exceed $34,765.00.

Background/History:

The Oak Brook Golf Club currently operates a separate and non-automated golf ball cleaner and two (2) dispenser systems, holding approximately 10,000 golf balls each. That system requires employees to double load large heavy buckets of golf balls, first into the cleaner and then, at or above chest level, into the dispenser. This process, which has proven to be laborious, inefficient, and detrimental to both our resources and customer satisfaction, is performed numerous times per day and has led to considerable customer wait times. Furthermore, the absence of payment options at the dispenser requires all purchases to be made at the pro shop, causing operational inefficiencies and potential revenue loss. Finally, the need for staff to empty the dispenser and return the tokens to the pro shop nightly is an internal control weakness due to the inability of tokens to be accurately associated with a specific purchase.

Range Servant is a global leader in supplying top-quality driving range equipment for golf clubs. The integration of Range Servant Ultima 45 Dual Golf Dispenser and Ultima 12 Ball Management System is a uniquely automated platform that other golf manufacturers have yet to duplicate. This system will be able to effectively address the shortcomings identified in our current equipment and processes while offering numerous additional benefits and cost savings.

Provided below are some examples:

Labor Savings: One-touch operation for employees, allowing for efficient ball management while freeing up time for other tasks by simply dumping the golf balls into the soaker. The automated system washes and then automatically loads the cleaned balls into the dispenser without the need for additional handling of golf balls.
Safety: Reduced risk of injury with employees only lifting the picker basket once to a height of 36 inches.

- Jam-Proof Washer: Ensures smooth operation with minimal downtime.
- Automatic Overfill Sensor: Prevents overflow and ensures optimal operation.
- Large Ball Capacity: Stores 43,000 balls, improving accounting controls, reducing the frequency of refills, and increasing customer service.
- Dual Outlet Dispenser: Allows two (2) customers to access balls simultaneously, reducing wait times and providing redundancy if one dispenser side jams.
- No Connectivity Needed: Faster service and limited downtime without the need for connectivity between pro shop and dispenser for credit card purchases.
- Exact Ball Counts: Provides accurate counts for each bucket, eliminating the need for timing mechanisms.
- Strong Accounting Controls: one-time use PIN codes offer better tracking than tokens, saving expenses, manual emptying, and provide voidable transactions.
- Range Cards and Credit Card Payment: Allows for pre-book sales, trackable transactions, and increased revenues.
- Warranty and Upgradability: Comes with a three-year warranty and is easily upgradable to new vending technologies.

Range Star software is needed to manage and support the two (2) credit card terminals in the golf ball dispensers. The first year is at no cost and with a set price of $1,050 per year for a negotiated five (5) years thereafter. The current credit card percentage rate at the pro shop is 2.6% + $0.10 per transaction. A firm negotiation resulted in a credit card percentage rate with Range Star at the golf dispenser of 2.35% + $0.07 per transaction. With the new negotiated credit card rate, utilizing the 2023 driving range token purchases as a baseline, and the $1,050.00 software managing fee (after year one), the Oak Brook Golf Club would still project a credit card transaction fee savings of over $1,555.00 per year with purchases at the dispenser rather than within the pro shop.

This investment will not only improve operational efficiency at the driving range but also enhance customer experience, leading to increased revenues and customer satisfaction.

Recommendation:
Staff recommends that the Village Board approve Resolution 2024-SC-GOLF-PG-R-2212 waiving the formal bidding process and authorizing the purchase of the Range Servant Ultima 45 Dual Golf Dispenser and Ultima 12 Ball Management System for use at the Oak Brook Golf Club, an automated cleaning and dispensing system unique in the golf industry in an amount not to exceed $34,765.00.

Attachments:

1. 2024-SC-GOLF-PG-R-2212
2. Range Servant Ultima 45 Dual Golf Dispenser and Ultima 12 Ball Management System
3. Range Servant Revised Final Quote
4. Range Star Support Fee Agreement FINAL

THE VILLAGE OF OAK BROOK
COOK AND DUPAGE COUNTIES, ILLINOIS

RESOLUTION
NUMBER 2024-SC-GOLF-PG-R-2212

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE STAFF TO ISSUE A PURCHASE ORDER TO RANGE SERVANT FOR ONE RANGE SERVANT ULTIMA 45 DUAL GOLF DISPENSER AND ULTIMA 12 BALL MANAGEMENT SYSTEM FOR OAK BROOK GOLF CLUB

LAURENCE E. HERMAN, Village President
NETASHA SCARPINITI, Village Clerk

NAVEEN JAIN
MICHAEL MANZO
MELISSA MARTIN
JAMES NAGLE
A. SURESH REDDY
EDWARD TIESENGA

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Oak Brook
on this the 14th day of May 2024

RESOLUTION NO. 2024-SC-GOLF-PG-R-2212

A RESOLUTION
TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE STAFF TO ISSUE A PURCHASE ORDER TO RANGE SERVANT FOR ONE RANGE SERVANT ULTIMA 45 DUAL GOLF DISPENSER AND ULTIMA 12 BALL MANAGEMENT SYSTEM FOR OAK BROOK GOLF CLUB

WHEREAS, the Village of Oak Brook is a municipal corporation with authority provided for and granted pursuant to the Illinois Municipal Code to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village of Oak Brook (hereinafter referred to as "Village") upon approval of the Village President and Board of Trustees (collectively, the "Corporate Authorities") may enter into an Purchase Order with another party pursuant to Illinois Statute;

WHEREAS, The Oak Brook Golf Club currently operates a separate and non-automated golf ball cleaner and two (2) dispenser systems, holding approximately 10,0000 golf balls each and has largely proven to be inefficient and detrimental to customer satisfaction;

WHEREAS, Range Servant (hereinafter the "Company") is a global leader in supplying top quality driving range equipment to golf clubs. The integration of Range Servant Ultima 45 Dual Golf Dispenser and Ultima 12 Ball Management System is a unique automated platform that other golf manufactures have yet to duplicate, and is expected to provide significant benefit and cost savings to the Village if implemented;

WHEREAS, Staff is recommending approval of the purchase order in the amount of $34,765, attached hereto and incorporated herein as Exhibit A (the "Purchase Order") for one Range Servant Ultima 45 Dual Golf Dispenser and Ultima 12 Ball Management System for use at the Oak Brook Golf Club;

WHEREAS, the Village of Oak Brook Corporate Authorities are of the opinion that it is in the best interests of the Village of Oak Brook to approve the Purchase Order for the purposes referenced herein.

NOW, THEREFORE, BE IT RESOLVED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Oak Brook, DuPage and Cook Counties, Illinois as follows:

Section One – Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this Resolution are full, true, and correct and do hereby, by reference, incorporate and make them part of this Resolution as legislative findings.

Section Two – Approval of Purchase Order

The President and Board of Trustees hereby approve the Purchase Order to Company in substantially the same form attached as Exhibit A.

Section Three – Authorization and Direction

The Village Manager is hereby authorized to execute, and the Village Clerk is hereby authorized to attest the Purchase Order, substantially in the form of such attached hereto as Exhibit A.

Section Four - Other Actions Authorized

The officers, employees and/or agents of the Village shall take all actions necessary or reasonably required to carry out and give effect to the intent of the Purchase Order and otherwise to consummate the transactions contemplated herein, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein.

Section Five - Authorization of Expenditures

The Corporate Authorities hereby authorize and direct the expenditure of all costs related to the execution of the Agreement, additionally, the Village is authorized and directed to allocate and spend all necessary funds to fulfill the requirements of the Purchase Order and of this Resolution.

Section Six – Waiver of Bidding Process

To the extent that any requirement of bidding would be applicable to the transactions contemplated hereunder, the same is hereby waived.

Section Seven - Acts of Village Officials

That all past, present and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this Resolution are hereby, in all respects, ratified, approved, authorized and confirmed.

Section Eight – Effective Date

This resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

Section Nine - Publication

This resolution shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section ten – Conflict Clause

All resolutions, parts of resolutions or board actions in conflict herewith are hereby repealed to the extent of such conflict.

Section Eleven – Saving Clause

If any section, paragraph, clause or provision of this resolution is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of any other provisions of this resolution, which are hereby declared to be separable.

Section Twelve – Recording

This resolution shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Oak Brook.

PASSED THIS 14th day of May 2024.

Ayes: _____

Nays: _____

Absent: _____

APPROVED THIS 14th day of May 2024.

_____
LAURENCE E. HERMAN,
Village President

ATTEST:

_____
NETASHA SCARPINITI,
Village Clerk

EXHIBIT A

[Purchase Order]

RANGE SERVANT
RANGE SERVANT

Range Servant America, Inc.

3000 Center Place, Suite 300
Norcross, GA 30093
USA

Voice: 770-448-8055
Fax: 770-448-8060

QUOTATION

Quote Number: 56061
Quote Date: May 2, 2024
Page: 1

Quoted To:
Customer address

Ship To:
Oak Brook Golf Club Joseph Mitchell 2606 York Rd Oak Brook, IL 60523

Customer ID	Good Thru	Payment Terms	Sales Rep
MISC	6/1/24	Net 30	

Quantity	Item	Description	Unit Price	Amount
1.00	DNM0000US	Ball Dispenser, model Ultima 45, dual outlet, 43,000 ball capacity. Exact & Any Ball Counts. Quietest Dispenser! 3 Year Warranty & 1 Year on Electronics.	16,295.00	16,295.00
1.00	ERSTAR2	Range Star Membership System - Credit Card, Member Card, PIN, Mobile App and Pay: No Connectivity Needed Between Pro Shop & Dispenser!	6,295.00	6,295.00
1.00	ERSTAR-KIT	Additional Range Star Kit - For additional dispensers *at the same location*	1,995.00	1,995.00
500.00	ERSTAR-CARD-3	Custom Print Range Star Cards - Full Color one side (1 or none Standard Color on other side)	1.30	650.00
1.00	EHM0001US	Elevator, 2.1m, 30,000 balls/hr. capacity. Complete with automatic overfill protection	4,695.00	4,695.00
1.00	WIM0002US	Pre-Soaker, 4,000 ball capacity	4,695.00	4,695.00
1.00	WIF0003	Long Chute from soaker to 1950	345.00	345.00
1.00	220000US	RS Revo Ball Washer Complete	4,995.00	4,995.00
1.00	DISCOUNT	Less Discount Given Customer No Charge Hardware Installation. First Year Range Star Software Support is Free $700 Annual Range Star Support is Due After One Yearon First Door & $350 on	6,000.00	-6,000.00

Subtotal	Continued
Sales Tax	Continued
Freight	Continued
TOTAL	**Continued**

Range Servant America, Inc.

3000 Center Place, Suite 300
Norcross, GA 30093
USA

Voice: 770-448-8055
Fax: 770-448-8060

QUOTATION

Quote Number: 56061
Quote Date: May 2, 2024

Quoted To:
Customer address

Ship To:
Oak Brook Golf Club Joseph Mitchell 2606 York Rd Oak Brook, IL 60523

Customer ID	Good Thru	Payment Terms	Sales Rep
MISC	6/1/24	Net 30	

Quantity	Item	Description	Unit Price	Amount
		Second Door Freight is Estimated & Includes a Lift Gate. Joseph Mitchell jmitchell@oak-brook.org Joseph 630-368-5022 Mike Jean 847-322-6950		

Subtotal	33,965.00
Sales Tax	
Freight	800.00
TOTAL	**34,765.00**

eRange Inc.
2430 Military Road
Suite 734
Niagara Falls, NY
14304
(289) 932-1776

To Whom This May Concern,

As negotiated by Range Servant, e-Range Inc. agrees to lock in Range Star software support rates of $700 per year for the first door and $350 for a second door for a total of $1,050 per year for five years for the Village of Oak Brook, IL.

Since the first-year support is included with your dispenser purchase, the rates will be valid from 2025 through to 2029

Regards,

Scott Garratt
CEO, eRange Inc.

ITEM 12.A.
BOARD OF TRUSTEES MEETING
SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

AGENDA ITEM

Board of Trustees Regular Meeting
of
May 14, 2024

SUBJECT: Village Investment Policy Update

FROM: Rania Serences, Purchasing and Budgeting Coordinator

BUDGET SOURCE/BUDGET IMPACT: N/A

RECOMMENDED MOTION: I move that the Village Board adopt Ordinance 2024-FI-EXI-S-1697 "An Ordinance Amending the Investment Policy for the Village of Oak Brook, Illinois".

Background/History:
The investment of Village funds is controlled by a formal Investment Policy. The policy was first adopted in 1995 and has been periodically updated as Illinois Complied Statutes change. Under the Investment Instruments Section of the Village policy, it states "The Village may invest in any type of investment instrument permitted by Illinois law, as described in Chapter 30 of the Illinois Complied Statutes, 30 ILCS 235/2". It then states specific investments but is missing a few recent additions to the statute. With this update, the language in the Investment Instruments Section will be more descriptive of permitted investment types. Also, we added suggested language to better align the policy with best practices suggested by GFOA.

Recommendation:
Staff recommends that the Village Board adopt Ordinance 2024-FI-EXI-S-1697 "An Ordinance Amending the Investment Policy for the Village of Oak Brook, Illinois".

Attachments:
1. InvestmentPolicyAmendOrd051424
2. InvestmentPolicy2021edits_2024

THE VILLAGE OF OAK BROOK
COOK AND DUPAGE COUNTIES, ILLINOIS

ORDINANCE
2024-FI-EX1-S-1697

AN ORDINANCE AMENDING THE INVESTMENT POLICY FOR THE VILLAGE OFOAK BROOK, ILLINOIS

LAURENCE E. HERMAN, Village President
NETASHA SCARPINITI, Village Clerk

NAVEEN JAIN
MICHAEL MANZO
MELISSA MARTIN
JAMES NAGLE
A. SURESH REDDY
EDWARD TIESENGA

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Oak Brook
on this the 14th day of May 2024

ORDINANCE 2024-FI-EX1-S-1697

AN ORDINANCE AMENDING THE INVESTMENT POLICY FOR THE VILLAGE OF OAK BROOK, ILLINOIS

WHEREAS, on January 24, 1995, the Board of Trustees of the Village of Oak Brook adopted a uniform and comprehensive investment policy encompassing funds governed by it; and

WHEREAS, the Village Board last amended said investment policy with the passage of Ordinance S-1929 on July 13, 2021; and

WHEREAS, it is in the best interests of the Village of Oak Brook that the attached seventh amended Investment Policy be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK BROOK, DU PAGE AND COOK COUNTIES, ILLINOIS as follows:

Section 1: That the provisions of the preamble hereinabove set forth are hereby adopted as though fully set forth herein.

Section 2: That the sixth amended Investment Policy, a copy of which is attached hereto and incorporated herein as Exhibit A, is hereby approved, and adopted in its entirety and supersedes all prior editions of the Investment Policy.

Section 3: That the Village Clerk is hereby authorized and directed to publish this ordinance in pamphlet form in the manner provided by law.

Section 4: That all ordinances or parts thereof in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflict.

Section 5: That this ordinance shall be in full force and effect from and after passage and approval pursuant to law.

[SIGNATURE PAGE FOLLOWS]

APPROVED THIS 14th day of May 2024

Laurence E. Herman
Village President

PASSED THIS 14th day of May 2024

Ayes: _____

Nays: _____

Absent: _____

ATTEST:

Netasha Scarpiniti
Village Clerk

EXHIBIT A

Village of Oak Brook
Investment Policy

I. SCOPE

This policy governs the investment practices of all funds of the Village of Oak Brook, excepting the Police Pension Fund and the Firefighters' Pension Fund, which are governed by the Boards of Trustees of each fund and who determine investment policies of those funds, in accordance with applicable law. The funds governed by this policy are accounted for in the Village's Comprehensive Annual Financial Report and include the General Corporate Fund, Special Revenue funds, Capital Project funds, Enterprise funds, Internal Service funds, and any other funds that may be created in the future. All transactions involving the financial assets and related activity of the foregoing funds shall be administered in accordance with the provisions of this policy.

II. OBJECTIVES

The primary objectives of the Village's investment activities are:

1. **Safety of Capital**
   Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is desired in order to avoid incurring unreasonable risks from concentrating investments in specific security types and/or particular financial institutions.

   a) Credit Risk – Credit risk is the risk of loss due to the failure of the security issuer or backer. This risk will be minimized by:

      i Limiting investments to those listed in this policy.
      ii Pre-qualifying financial institutions, brokers/dealers, intermediaries, and advisors with which the Village will do business.
      iii Diversifying the investment portfolio so the impact of potential losses from any one type of security or from any one individual issuer will be minimized.

   b) Interest Rate Risk – Interest rate risk is the risk that the market value of securities in the portfolio decrease due to changes in general interest rates. This risk will be minimized by:

      i Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
      ii Investing operating funds primarily in short-term securities, money market mutual funds, or similar investment pools.

   c) Custodial Credit Risk – Custodial credit risk is the risk that, in the event of a bank or counterparty failure, the Village's collateral securing uninsured deposits or

investments may not be recovered. The Village aims to minimize custodial credit risk by ensuring that all deposits with financial institutions are insured or collateralized with securities held by the Village's agent in the Village's name.
Securities will be held by a third-party custodian designated by the Village separate from where the investment was purchased.

2. **Liquidity**
The Village's investment portfolio shall remain sufficiently liquid to enable the Village to meet all operating requirements which may be reasonably anticipated in any Village fund. Maturities of investments in all funds covered by this policy shall not exceed ~~five~~ ten years unless a temporary extension of maturities is approved by the Board of Trustees. The maturity limit for agency mortgage-backed securities is based on the expected average life at the time of settlement which shall not exceed 10 years.

3. **Maintenance of Public Trust**
All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village.

4. **Yield**
The investment portfolio shall be designed with the objective of attaining a market rate of return, based on appropriate performance benchmarks, throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. The core investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Yield, or return on investment, is of secondary importance to the legality, safety, and liquidity objectives described above.

III. STANDARDS OF CARE

1. **Responsibility**
Management responsibility for the investment program of the Village of Oak Brook is hereby delegated to the Finance Director/Treasurer, who shall direct the investment program in a manner consistent with this policy. The Finance Director/Treasurer shall be responsible for all transactions undertaken, shall establish a written system of controls to regulate the activities of subordinate employees, and shall provide written approval for each investment placement.

2. **Prudence**
Investments shall be made with judgment and care under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent person" and shall be applied in the context of managing the overall portfolio.

3. **Ethics and Conflicts of Interest**
Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

4. **Indemnification**
Investment officers and employees of the Village acting in accordance with this Investment Policy and such written procedures as have been or may be established, in relation thereto, and exercising due diligence, shall be relieved of personal liability for an individual security's credit risk or market changes.

IV. INVESTMENT INSTRUMENTS

1. **Authorized Investments**
The Village may invest in any type of investment instrument permitted by Illinois law, as described in Chapter 30 of the Illinois Compiled Statutes (ILCS), 30 LCS 235/2.
Permitted investment instruments include:

a) Bonds, notes, certificates of indebtedness, Treasury bills or other securities which are guaranteed by the full faith and credit of the United States of America as to principal and interest.

b) Bonds, notes, debentures, or other similar obligations of the United States of America, ~~or~~ its agencies, and its instrumentalities.

c) Short-term obligations of corporations~~Commercial paper~~, provided that, (a) the issuer is a U.S. Corporation with more than $500 million in assets, (b) the security is rated within the highest classification~~s~~ by two standard rating services, (c) the security will mature no later than 270 days from the date of settlement~~the security will mature within 3 years of purchase~~, ~~and~~ (d) such purchase does not exceed 10% of the issuer's outstanding obligations, and (e) no more than one-third of the Village's funds may be invested in short-term obligations of corporations under this paragraph.

d) Obligations of corporations provided that, (a) the issuer is a U.S. Corporation with more than $500 million in assets, (b) the security is rated within the 3 highest classifications by two standard rating services, (c) the security will mature more than 270 days but less than 3 years from the date of settlement, (d) such purchase does not exceed 10% of the issuer's outstanding obligations, and (e) no more than one-third of the Village's funds may be invested in obligations of corporations under this paragraph.

e) The State of Illinois Public Treasurer's Investment Pool (The Illinois Funds) and the Illinois Trust local government investment pool.

f) Money market mutual funds which are registered under the Investment Company Act of 1940, provided the portfolio is limited to bonds, notes, certificates, treasury bills, or other securities which are guaranteed by the United States of America as to principal and interest.

g) Repurchase Agreements which are collateralized by full faith and credit U.S. Treasury securities.

h) Insured accounts of credit unions whose principal office is in Illinois.

i) Interest-bearing savings accounts, interest-bearing certificates of deposit, or interest-bearing time deposits or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.

j) Interest bearing bonds registered in the name of any county, township, city, village, incorporated town, municipal corporation, or school district, of the State of Illinois, of any other state, or of any political subdivision or agency of the State of Illinois or of any other state, whether the interest earned thereon is taxable or tax-exempt under federal law. The bonds shall be rated at the time of purchase within the four (4) highest general classifications established by a rating service of nationally recognized expertise in rating bonds of states and their political subdivisions.

For purposes of this section, the term "agencies of the United States of America" include: the federal land banks, federal intermediate credit banks, banks for cooperative, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971; the federal home loan banks and the federal home loan mortgage corporation; and any other agency created by act of Congress.

This policy expressly prohibits investments in derivative type securities. All sector, maturity, and rating limits apply at the time of settlement.

2. **Sustainable Investments**

Pursuant to the Illinois Sustainable Investing Act, 30 ILCS 238, the Village shall consider material, relevant, and decision-useful sustainability factors in evaluating investment decisions. These factors will be integrated into investment decision-making, investment analysis, portfolio construction, due diligence, and investment ownership in order to maximize anticipated financial returns, minimize projected risk, and more effectively execute fiduciary duty. Such factors include:

a) Corporate governance and leadership factors
b) Environmental factors
c) Social factors
d) Human capital factors
e) Business model and innovation factors

Sustainability factors may be analyzed in a variety of ways, including, but not limited to:

a) Direct financial impacts and risks
b) Legal, regulatory, and policy impacts and risks
c) Industry norms, best practices, and competitive drivers
d) Stakeholder engagement

While such factors are not determinative for investment decisions, the Village will periodically review the portfolio holdings to determine the consistency with these objectives and will identify specific issuers that are restricted from purchase under this policy. The Village shall periodically consult with its investment advisor about the Illinois Sustainable Investment Act in its investment process and implications on the Village's investment portfolio.

V. DIVERSIFICATION

It is the policy of the Village to diversify its investment portfolio. Investments shall be diversified in order to reduce the risk of loss resulting from concentration in a specific maturity, issuer, or class of securities. In order to achieve a diversified investment portfolio, no one ~~financial institution~~issuer shall ~~hold~~ comprise more than ~~2~~5% of the Village's investments, exclusive of securities guaranteed by the full faith and credit of the United States of America, or obligations of the United States of America agencies or instrumentalities, at the time of settlement.

VI. COLLATERALIZATION

It is the policy of the Village to require that all deposits in excess of FDIC insurable limits be secured by collateral to protect public deposits in a single financial institution if it were to default.

Eligible collateral instruments and collateral ratios (market value divided by deposit) are as follows:

a) U.S. Government Securities = 110%
b) Obligations of Federal Agencies = 115%
c) Obligations of the State of Illinois = 115%
d) Local and Municipal Bonds rated "A" or better by Moody's =115%

The ratio of fair market value of collateral to the amount of funds secured shall be reviewed at least quarterly and additional collateral shall be requested when the ratio declines below the level required.

Third party safekeeping is required for all collateral. To accomplish this, the securities can be held at the following locations:

a) A Federal Reserve Bank or branch office.
b) At another custodial facility- generally in a trust department through book-entry at the Federal Reserve, unless physical securities are involved. If physical securities are involved, at a third-party depository in a suitable vault and insured against loss by fire, theft, and similar causes.
c) By an escrow agent of the pledging institution.

Safekeeping of collateral shall be documented by a written agreement approved by the Village. This may be in the form of a safekeeping agreement, trust agreement, escrow agreement or custody agreement.

Substitution or exchange of securities held in safekeeping as collateral may occur without prior written notice to the Village provided that the market value of the replacement securities are equal to or greater than the market value of the securities being replaced. The Village shall be notified in writing within two days of all substitutions.

VII. SAFEKEEPING AND CUSTODY

1. **Qualified Financial Institutions**
   All depositories of the Village shall execute a contract every three years which shall designate the requirements of serving as depository for the Village, including collateralization of Village funds

invested at such depository and the related safekeeping requirements of pledged securities. The Village shall have a separate contract with an "operating bank" for demand deposits, which shall also execute a contract with the Village for such service at least once every three years.

A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected by creditworthiness (e.g., a minimum capital requirement of $10,000,000 and at least five years of operation). These may include “primary” dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).
All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

a) Audited financial statements
b) Proof of National Association of Securities Dealers (NASD) certification
c) Proof of state registration
d) Certification of having read, understood, and agreeing to comply with the Village’s investment policy.

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the Finance Director/Treasurer.

Depositories - Demand Deposits
Any financial institution selected to be eligible for the Village’s demand deposits must meet the following requirements:

a) The Village shall select one financial institution to provide operating banking services including, but not limited to: checking accounts, wire transfers, credit card processing, ACH processing, etc.
b) The Village shall not maintain funds in any financial institution that is not a member of the FDIC. In addition, the Village shall not maintain funds in any institution not willing or capable of posting required collateral for funds in excess of FDIC insurable limits.
c) Fees for banking services shall be mutually agreed to by an authorized representative of the depository bank and the Village from time to time.

Depositories - Certificates of Deposit
Any financial institution selected to be eligible for the Village's competitive certificate of deposit purchase program must meet the following requirements:

a) Shall provide wire transfer and safekeeping services.
b) Shall be a member of FDIC system and shall be willing and capable of posting required collateral for funds in excess of FDIC or insurable limits.

The total amount of Village funds deposited and/or invested in a financial institution shall not exceed 25% of the institution's capital stock, surplus, and undivided profits.

2. **Internal Controls**
The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the Village are protected from loss, theft, or misuse. The

internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefit likely to be derived and (2) the valuation of costs and benefits requires estimates and judgements by management.

The Finance Director shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

a) Control of collusion
b) Separation of transaction authority from accounting and recordkeeping
c) Custodial safekeeping
d) Avoidance of physical delivery securities
e) Clear delegation of authority to subordinate staff members
f) Written confirmation of transactions for investments and wire transfers
g) Development of a wire transfer agreement with the lead bank and third-party custodian

3. **Delivery vs. Payment**

Third party safekeeping is required for all securities owned by the Village. All security transactions will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by an independent third-party custodian designated by the Village and evidenced by safekeeping receipts and an approved written agreement. The agreement may be in the form of a safekeeping agreement, trust agreement, escrow agreement, or custody agreement. Fees for this service shall be mutually agreed upon by the Village and the safekeeping bank selected by the Village.

VIII. PERFORMANCE STANDARDS

The investment portfolio will be managed in accordance with the parameters specified within this policy and shall strive to attain a market average rate of return that exceeds the interest rate on 90-day U.S. Treasury Bills, taking into account the Village's risk constraints, cash flow characteristics, and legal restriction on eligible investments.

IX. REPORTING

On a monthly basis, the Finance Director/Treasurer shall submit to the Village Board an investment report which shall describe the portfolio in terms of investment securities, maturities and cost by fund, market value, and earnings for the current period and year to date. On an annual basis, the Finance Director/Treasurer shall submit a comprehensive annual report on the investment program and activity, including a review of the overall performance for the year.

X. MARKING TO MARKET

The market value of the portfolio shall be calculated at least quarterly, and a statement of the market value of the portfolio shall be issued at least quarterly. This review, in terms of value and price volatility, will be performed consistent with the GFOA Recommended Practices on “Mark-to-Market Practices for State and Local Government Investment Portfolios and Investment Pools.”

XI. POOLING OF CASH AND INVESTMENTS

The Village may pool the cash and investments of various funds in order to maximize investment earnings. Investment income shall be allocated to the various funds based upon their respective participation.

XII. AMENDMENT

This policy may be amended by the Village President and Board of Trustees, upon recommendation of the Finance Director/Treasurer and Village Manager.

XIII. CONFLICT

In the event of any conflict between this Policy and the Illinois Compiled Statutes or case decisions of the State of Illinois, the Statutes and case law decisions shall control.

XIV. ADOPTION

Adopted as amended by the Village President and Board of Trustees by Ordinance 2024-FI-EX1-S-1697 on May 14, 2024.

ITEM 12.B.
BOARD OF TRUSTEES MEETING
SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

AGENDA ITEM

Board of Trustees Regular Meeting
of
May 14, 2024

SUBJECT: Award of Contract - Investment Management Services

FROM: Rania Serences, Purchasing and Budgeting Coordinator

BUDGET SOURCE/BUDGET IMPACT: $40,000.00 is budgeted across multiple programs of the FY2024 Budget.

RECOMMENDED MOTION: I move that the Village Board approve Resolution R-2214, A Resolution Awarding an Agreement to PFM Asset Management LLC, Chicago, Illinois, for Investment Management Services.

Background/History:
A Request for Proposals (RFP) for Investment Management Services was published and placed on the Village's website on Thursday, February 15, 2024. Five (5) proposals were received and opened on Thursday, March 7, 2024.

Proposals were received from the five following Investment Firms:

Firm Name
Academy Asset Management
Great Lakes Advisors
Mesirow Strategic Fixed Income
PFM Asset Management LLC
PMA Financial Strategies

A committee consisting of President Herman, Manager Summers and Finance Director Fumero reviewed, shortlisted the firms and held interviews with Great Lakes Advisors, PFM Asset Management LLC (PFMA), and PMA Financial Strategies (PMA). After the review and interview process, the committee determined that PFMA submitted the proposal with the best overall value to the Village.

PFMA will provide professional investment management services for the Village's assets, will implement, and maintain a "Ladder Portfolio Strategy" in such a way as to maximize earnings safely while meeting the Village's daily cash flow needs. Currently, the Village's estimated total assets are $90.7 million, of which $84.0 million is invested in accordance with the Village's Investment Policy. Of the $84.0 million, $63.1 million is invested with Illinois Fund, $17.2 million is invested with J.P. Morgan and $3.6 million is invested with Wintrust.

Recommendation:

Staff recommends that the Village Board approve Resolution R-2214, A Resolution Awarding an Agreement to PFM Asset Management LLC, Chicago, Illinois, for Investment Management Services.

Attachments:

1. InvestmentManagementRes

THE VILLAGE OF OAK BROOK
COOK AND DUPAGE COUNTIES, ILLINOIS

RESOLUTION
NUMBER 2024-FI-INVST-AG-R-2214

A RESOLUTION
AWARDING A PROFESSIONAL SERVICES AGREEMENT TO PFM ASSET MANAGEMENT LLC, CHICAGO, ILLINOIS FOR PROFESSIONAL INVESTMENT MANAGEMENT SERVICES

LAURENCE E. HERMAN, Village President
NETASHA SCARPINITI, Village Clerk

NAVEEN JAIN
MICHAEL MANZO
MELISSA MARTIN
JAMES NAGLE
A. SURESH REDDY
EDWARD TIESENGA

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Oak Brook
on this the 14th day of May 2024

RESOLUTION NO. 2024-FI-INVST-AG-R-2214

A RESOLUTION
AWARDING A PROFESSIONAL SERVICES AGREEMENT TO PFM ASSET MANAGEMENT LLC, CHICAGO, ILLINOIS FOR PROFESSIONAL INVESTMENT MANAGEMENT SERVICES

WHEREAS, the Village of Oak Brook is a municipal corporation with authority provided for and granted pursuant to the Illinois Municipal Code to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village of Oak Brook (hereinafter referred to as "Village") upon approval of the Village President and Board of Trustees (collectively, the "Corporate Authorities") may enter into an Agreement with another party pursuant to Illinois Statute;

WHEREAS, on Thursday, February 15, 2024, staff published a request for proposals on the Village website for Investment Management Services whereby five (5) proposals were received and opened on Thursday, March 7, 2024;

WHEREAS, of the five proposals that were received, a committee consisting of the Village President, Village Manager, and Finance Director (the "Committee") convened to review, and hold interviews with the two firms providing the strongest proposals: PFM Asset Management LLC and PMA Financial Strategies;

WHEREAS, of the two firms that were interviewed, Staff has determined that PFM Asset Management LLC, Chicago, Illinois, (the "Company") had submitted the proposal providing the best overall value to the Village for the professional investment management services (the "Services") desired, as further detailed in the Investment Advisory Agreement (the "Agreement") attached hereto and incorporated herein as Exhibit A;

WHEREAS, Staff now recommends the Corporate Authorities to award the Agreement for the Services to Company, for the reasons provided for herein; and

WHEREAS, the Village of Oak Brook Corporate Authorities are of the opinion that it is in the best interests of the Village of Oak Brook to enter into the attached agreement with the Company for the purposes referenced herein.

NOW, THEREFORE, BE IT RESOLVED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Oak Brook, DuPage and Cook Counties, Illinois as follows:

Section One – Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this Resolution are full, true, and correct and do hereby, by reference, incorporate and make them part of this Resolution as legislative findings.

Section Two – Award of Contract

The Corporate Authorities hereby Awards the Agreement, substantially in the form attached hereto and made a part hereof as Exhibit A, to Company.

Section Three – Authorization and Direction

The Village Manager is hereby authorized to execute the Agreement, substantially in the form attached hereto as Exhibit A, with such changes therein as shall be approved by the Village attorney and the officials of the Village executing the same, their execution thereof to constitute exclusive evidence of their approval to any and all changes or revisions therein from and after the execution and delivery of such Agreement.

Section Four - Other Actions Authorized

The officers, employees and/or agents of the Village shall take all actions necessary or reasonably required to carry out and give effect to the intent of this Resolution and otherwise to consummate the transactions contemplated herein and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein.

Section Five - Authorization of Expenditures

The Corporate Authorities hereby authorize and direct the expenditure of all costs related to the execution of the Agreement, additionally, the Village is authorized and directed to allocate and spend all necessary funds to fulfill the requirements of the attached Agreement.

Section Six - Acts of Village Officials

That all past, present, and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this resolution are hereby, in all respects, ratified, approved, authorized, and confirmed.

Section Seven – Effective Date

This resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

Section Eight - Publication

This resolution shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Nine – Conflict Clause

All resolutions, parts of resolutions or board actions in conflict herewith are hereby repealed to the extent of such conflict.

Section Ten – Saving Clause

If any section, paragraph, clause, or provision of this resolution is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of any other provisions of this resolution, which are hereby declared to be separable.

Section Eleven – Recording

This resolution shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Oak Brook.

PASSED THIS 14th day of May 2024.

Ayes: _____

Nays: _____

Absent: _____

APPROVED THIS 14th day of May 2024.

_____
LAURENCE E. HERMAN,
Village President

ATTEST:

_____
NETASHA SCARPINITI,
Village Clerk

EXHIBIT A

[Agreement]

ITEM 12.C.
BOARD OF TRUSTEES MEETING
SAMUEL E. DEAN BOARD ROOM
BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS
630-368-5000

AGENDA ITEM

Board of Trustees Regular Meeting
of
May 14, 2024

SUBJECT: Award of Contract – Other Post-Employment Benefit (OPEB) Investment Advisory Services

FROM: Rania Serences, Purchasing and Budgeting Coordinator

BUDGET SOURCE/BUDGET IMPACT: $20,000.00 is budgeted across multiple programs of the FY2024 Budget.

RECOMMENDED MOTION: I move that the Village Board approve Resolution R-2215, A Resolution Awarding an Agreement to PFM Asset Management LLC, Chicago, Illinois, for Other Post-Employment Benefits (OPEB) Investment Advisory Services.

Background/History:

A Request for Proposals (RFP) for Investment Management Services was published and placed on the Village's website on Thursday, February 15, 2024. Five (5) proposals were received and opened on Thursday, March 7, 2024. Proposals were received from the five following Investment Firms:

Firm Name
Academy Asset Management
Great Lakes Advisors
Mesirow Strategic Fixed Income
PFM Asset Management LLC
PMA Financial Strategies

A committee consisting of President Herman, Manager Summers and Finance Director Fumero reviewed, shortlisted the firms and held interviews with Great Lakes Advisors, PFM Asset Management LLC (PFMA), and PMA Financial Strategies (PMA). During the interview phase, the Committee requested proposals for Other Post-Employment Benefits (OPEB) Investment Advisory Services from the three (3) shortlisted firms. After the review and interview process, the committee determined that PFMA submitted the proposal with the best overall value to the Village for these services.

Recommendation:
Staff recommends that the Village Board approve Resolution R-2215, A Resolution Awarding an Agreement to PFM Asset Management LLC, Chicago, Illinois, for Other Post-Employment Benefits (OPEB) Investment Advisory Services.

Attachments:
1. OPEBRes

THE VILLAGE OF OAK BROOK
COOK AND DUPAGE COUNTIES, ILLINOIS

RESOLUTION
NUMBER 2024-FI-INVST-POSTEMPL-R-2215

A RESOLUTION
AWARDING A PROFESSIONAL SERVICES AGREEMENT TO PFM ASSET MANAGEMENT LLC, CHICAGO, ILLINOIS FOR OTHER POST-EMPLOYMENT BENEFITS (OPEB) INVESTMENT ADVISORY SERVICES

LAURENCE E. HERMAN, Village President
NETASHA SCARPINITI, Village Clerk

NAVEEN JAIN
MICHAEL MANZO
MELISSA MARTIN
JAMES NAGLE
A. SURESH REDDY
EDWARD TIESENGA

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Oak Brook
on this the 14th day of May 2024

RESOLUTION NO. 2024-FI-INVST-AG-POSTEMPL-2215

A RESOLUTION
AWARDING A PROFESSIONAL SERVICES AGREEMENT TO PFM ASSET MANAGEMENT LLC, CHICAGO, ILLINOIS FOR OTHER POST-EMPLOYMENT BENEFITS (OPEB) INVESTMENT ADVISORY SERVICES

WHEREAS, the Village of Oak Brook is a municipal corporation with authority provided for and granted pursuant to the Illinois Municipal Code to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village of Oak Brook (hereinafter referred to as "Village") upon approval of the Village President and Board of Trustees (collectively, the "Corporate Authorities") may enter into an Agreement with another party pursuant to Illinois Statute;

WHEREAS, on Thursday, February 15, 2024, staff published a request for proposals on the Village website for Investment Management Services whereby five (5) proposals were received and opened on Thursday, March 7, 2024;

WHEREAS, of the five proposals that were received, a committee consisting of the Village President, Village Manager, and Finance Director (the "Committee") convened to review, and hold interviews with the two firms providing the strongest proposals: PFM Asset Management LLC and PMA Financial Strategies;

WHEREAS, of the two firms that were interviewed, Staff has determined that PFM Asset Management LLC, Chicago, Illinois, (the "Company") had submitted the proposal providing the best overall value to the Village for the Other Post-Employment Benefits (OPEB) Investment Advisory Services (the "Services") desired, as further detailed in the Investment Advisory Agreement (the "Agreement") attached hereto and incorporated herein as Exhibit A;

WHEREAS, Staff now recommends the Corporate Authorities to award the Agreement for the Services to Company, for the reasons provided for herein; and

WHEREAS, the Village of Oak Brook Corporate Authorities are of the opinion that it is in the best interests of the Village of Oak Brook to enter into the attached agreement with the Company for the purposes referenced herein.

NOW, THEREFORE, BE IT RESOLVED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Oak Brook, DuPage and Cook Counties, Illinois as follows:

Section One – Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this Resolution are full, true, and correct and do hereby, by reference, incorporate and make them part of this Resolution as legislative findings.

Section Two – Award of Contract

The Corporate Authorities hereby Awards the Agreement, substantially in the form attached hereto and made a part hereof as Exhibit A, to Company.

Section Three – Authorization and Direction

The Village Manager is hereby authorized to execute the Agreement, substantially in the form attached hereto as Exhibit A, with such changes therein as shall be approved by the Village attorney and the officials of the Village executing the same, thier execution thereof to constitute exclusive evidence of their approval to any and all changes or revisions therein from and after the execution and delivery of such Agreement.

Section Four - Other Actions Authorized

The officers, employees and/or agents of the Village shall take all actions necessary or reasonably required to carry out and give effect to the intent of this Resolution and otherwise to consummate the transactions contemplated herein and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein.

Section Five - Authorization of Expenditures

The Corporate Authorities hereby authorize and direct the expenditure of all costs related to the execution of the Agreement, additionally, the Village is authorized and directed to allocate and spend all necessary funds to fulfill the requirements of the attached Agreement.

Section Six - Acts of Village Officials

That all past, present, and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this resolution are hereby, in all respects, ratified, approved, authorized and confirmed.

Section Seven – Effective Date

This resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

Section Eight - Publication

This resolution shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Nine – Conflict Clause

All resolutions, parts of resolutions or board actions in conflict herewith are hereby repealed to the extent of such conflict.

Section Ten – Saving Clause

If any section, paragraph, clause, or provision of this resolution is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of any other provisions of this resolution, which are hereby declared to be separable.

Section Eleven – Recording

This resolution shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Oak Brook.

PASSED THIS 14th day of May 2024.

Ayes: _____

Nays: _____

Absent: _____

APPROVED THIS 14th day of May 2024.

_____
LAURENCE E. HERMAN,
Village President

ATTEST:

_____
NETASHA SCARPINITI,
Village Clerk

EXHIBIT A

[Agreement]