

CITY OF HICKORY HILLS

ZONING ORDINANCE

Revised as of September 8, 2011

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ARTICLE I
TITLE

1.01 TITLE

(a) This ordinance shall be known, cited, and referred to as:

1. The City of Hickory Hills Zoning Ordinance

**ARTICLE II
INTENT AND PURPOSE**

2.01 INTENT AND PURPOSE

(a) This ordinance is deemed necessary to achieve the following purposes:

1. **PROMOTE ORDERLY DEVELOPMENT** - To protect the character and maintain the stability of residential, business, and industrial areas within the City, and to promote the orderly and beneficial development of such areas.

2. **REGULATE INTENSITY OF USE** - To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property and to protect the public health.

3. **REGULATE LOCATION OF BUILDINGS** - To establish building lines and the locations of buildings designed for residential, commercial, manufacturing, or other uses within such lines.

4. **ESTABLISH STANDARDS OF DEVELOPMENT** - To fix reasonable standards to which buildings or structures shall conform.

5. **ESTABLISH DISTRICTS** - To divide the municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces) as may be deemed best suited to carry out the purposes of this ordinance.

6. **PROHIBIT INCOMPATIBLE USES** - To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified Zoning Districts.

7. **REGULATE ALTERATIONS OF EXISTING BUILDINGS** - To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

8. **LIMIT CONGESTION IN STREETS** - To limit congestion in the public streets and so protect the public health, safety, convenience, and the general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles.

9. **PROTECT AGAINST HAZARDS** - To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and the general welfare.

10. **CONSERVE TAXABLE VALUE OF LAND** - To conserve the taxable value of land and buildings throughout the city.

11. **PRESERVATION OF CHARACTER OF GENERAL AND HIGHWAY COMMERCIAL DISTRICTS.** To limit commercial districts to commercial retail stores, commercial establishments, service establishments, and professional offices that generate sales tax revenues, maintain the City's tax base, and allow for convenient locations for the public to shop, obtain services and conduct business.

**ARTICLE III
RULES AND DEFINITIONS**

3.01 GENERAL TERMS

Unless the context otherwise indicates, the following definitions shall be used in the interpretation and construction of the Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word "shall" is mandatory and not discretionary.

3.02 DEFINITIONS

(a) ALLEY - A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

(b) ALTERATION - As applied to a building or structure, a change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

(c) AREA, BUILDING - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

(d) ACCESSORY USE - A use of structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Provided, however, no use that would otherwise be considered an accessory use shall be so deemed if that use is identified separately under the Hickory Hills Zoning Ordinance as a principal use or special use.

(e) AUTOMOBILE SERVICE STATION - A building or place of business where gasoline, oil and greases, batteries, tires, and automobile accessories, are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service is rendered.

(f) BUILDING - Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property. When a structure is divided into separate parts by unpierced walls extended from the ground up, each part is deemed a separate building.

(g) BUILDING HEIGHT - The vertical distance measured from the average elevation of the ground surrounding the building to the highest point on the coping of a flat roof, to the deck line of mansard roofs and the mean height between eaves and ridge for the highest of gable, hip and gambrel roofs, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections.

(h) CHANNEL - That area, adjacent to a watercourse, which is at an elevation of two feet lower than the elevation of the surrounding flood plain area.

(i) CLUB OR LOUNGE, PRIVATE - A non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club" or "lodge" are conducted by a Board of Directors, Executive Committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such a sale of alcoholic beverages is in compliance with the applicable Federal and State laws and ordinances of the City.

(j) COMMON AREA (COMMON OPEN SPACE) - A tract of land, an area of water, or a combination of land and water located within the Residential Planned Unit Development site designed and intended primarily but not necessarily exclusively for the use and enjoyment of the Residential Planned Unit Development residents. Common area (Open Space) shall contain no structures or improvements except for those necessary and appropriate for the benefit and enjoyment of the residents.

(k) COMMUNITY RESIDENCE - A group home or specialized residential care home serving unrelated persons with disabilities living in a family-like setting and constituting a single housekeeping unit. Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease.

(l) COMMUNITY RESIDENCE-SMALL - A community residence serving 8 or fewer persons with disabilities in a family-like atmosphere.

(m) COMMUNITY RESIDENCE-LARGE - A community residence serving 9 to 15 persons with disabilities.

(n) COVERAGE - That percentage of the plot or lot area covered by a building.

(o) DISTRICT - A section or sections of the City of Hickory Hills for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and intensity of use are uniform.

(p) DWELLING, SINGLE-FAMILY - A building designed for or occupied exclusively by one family.

(q) DWELLING, TWO-FAMILY - A building designed for or occupied exclusively by two families.

(r) DWELLING, MULTIPLE - A building designed for or occupied exclusively by more than two families.

(s) FAMILY - Either (1) one or more persons occupying a premises and living as a single housekeeping unit, and related to each other by birth, adoption or marriage, and including domestic servants as distinguished from a group occupying a boardinghouse, lodging house or hotel as defined in this section or (2) persons living together in a community residence or (3) not more than two unrelated persons living together as a single housekeeping unit.

(t) FLOODPLAIN - That continuous area, adjacent to a watercourse, whose elevation is equal to or below the elevation of the highest flood level; and any land of higher elevation, having an area of less than two acres, which is completely surrounded by land having elevation equal to or lower than the elevation of the highest flood level.

(u) FLOOD CHANNEL - That area, adjacent to a watercourse, which is at an elevation of two feet lower than the elevation of the surrounding flood plain area.

(v) FLOOR AREA RATIO - The floor area ratio of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or, in case of planned developments, by the net site area.

(w) HOME OCCUPATION - Any occupation or profession, practiced by a member of the family residing on the premises, and which occupation is clearly incidental and secondary to the residential use of the dwelling; and in connection with which there is no indication from the exterior, other than one (1) unanimated, non-illuminated sign of not more than one (1) square foot in size, that the building is being utilized in whole or in part for any purpose than that of a dwelling. No commodity is sold upon the premises and no commodity intended for sale or use elsewhere is stored on the premises; no more than one (1) person is employed other than members of the family residing on the premises; and no mechanical or electrical equipment is used except for telephones,

calculators, typewriters and computers. A professional person may use his residence for consultation, emergency treatment, or performance of religious rites. No accessory building shall be used for such home occupation. Home occupations, further, shall not utilize more than twenty-five percent (25%) of the total floor area of any one (1) story. No vehicle used in conjunction with the home occupation may be parked on the premises, based at the premises, or parked on the public street in the area of the premises, except for one passenger car designed for carrying not more than six persons.

(x) HOTEL - An establishment which is open to transient guests, in contradistinction to a lodging house, and is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bell boy service.

(y) LANDOWNER - The legal or beneficial owner of all the land to be included in the Residential Planned Unit Development. This includes the holder of an option or contract to purchase, provided, however, that a final development plan shall not be approved until the applicant has taken title or executed a binding sales contract for all the property. A land owner shall also mean a lessee having a remaining term of not less than forty (40) years and any other person or public agency having an enforceable proprietary interest in all the land to be included in such development.

(z) LOT - Any portion, piece, division or parcel of land.

(aa) LOT MEASUREMENT -

1. Area. The total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water, or marsh, or beyond the rim of a river bank, watercourse or lake, or between the top and toe of an embankment of thirty (30) degrees or more from horizontal.

2. Depth. The mean horizontal distance between the front and rear lot lines.

(bb) LOT OF RECORD - A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Deeds, or Registrar of Titles of Cook County, or a parcel of land, the deed of which was recorded in the Office of the Recorder of Deeds, or Registrar of Titles of Cook County, prior to the date of the adoption of this Ordinance.

(cc) LOT TYPE -

1. Corner Lot. A lot situated at the intersection of and abutting upon two or more streets, provided that the enclosed angle of intersection of such streets is not more than one hundred thirty-five (135) degrees.

2. Through Lot. A lot other than a corner lot with frontage on more than one (1) street other than an alley.

(dd) MANUFACTURING OR INDUSTRY - Any use in which the major activity is the treatment, processing, rebuilding, repairing or wholesale storage of material, products or items, and where the finished product is not acquired by the ultimate use on the premises, as distinguished from a retail use where the treatment, processing, repairing or storage is secondary to the sale, exchange, or repairing of materials or products on the premises.

(ee) MOTEL - An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot and designed for use by transient automobile tourists.

(ff) NONCONFORMING LOT - Any lot which does not conform with the minimum area and/or dimensions required in the district.

(gg) NONCONFORMING STRUCTURE - A structure or sign, the design or size of which does not conform to the regulations of this Ordinance for the district in which it is located.

(hh) **NONCONFORMING USE** - A building, structure or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto which does not conform with the use regulations of the district in which it is located.

(ii) **NURSING OR CONVALESCENT HOME** - A proprietary facility for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services which are prescribed by or performed under the direction of person or persons licensed to provide such care or services in accordance with the laws of the State of Illinois.

(jj) **PARKING SPACE** - A durably surfaced area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard automobile, and if the space is unenclosed comprising an area of not less than 200 square feet, exclusive of driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

(kk) **PLANNED UNIT DEVELOPMENT** - A structure or group of structures designed to be maintained and operated as a unit in single ownership or control by an individual, partnership, cooperative or corporation and which has certain facilities in common such as yards, open space, recreation areas, garages, and parking areas.

(ll) **PLANNED UNIT DEVELOPMENT PLAN** - The proposal for development of a residential planned unit development, including a plat of subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. The Planned Unit Development Plan shall include the information required by this amendment.

(mm) **PROFESSIONAL OFFICE** - The office of an accountant, architect, chiroprapist, chiropractor, dentist, lawyer, minister, optometrist, osteopath, physician, registered professional engineer, or member of another similar profession.

(nn) **SIGN** - A "sign" is a name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly, upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business, but does not include an official traffic control device, nor does it include the flag, emblem or insignia of a nation, state, county, municipality, school or religious group. Each display surface of a sign shall be considered to be a "sign".

(oo) **SIGN, SURFACE AREA** - The entire space within a single continuous perimeter enclosing the extreme limits of a sign except that such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

(pp) **SINGLE OWNERSHIP** - The Proprietary interest of a Landowner as defined herein.

(qq) **SITE PLAN** - A plan placing the buildings on the land, showing paved roadways, sidewalks, set back lines, parking areas, buffer zones, screening, fences and general landscaping.

(rr) **STORY** - That portion of building other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

(ss) **STORY, HALF** - A space under a sloping roof which has the line of intersection of roof decking and wall space not more than three feet above the top floor level, and in which space not more than 60% of the floor area is finished off for use.

(tt) **STRUCTURES** - Anything constructed or erected, that use of which requires permanent location on the ground, including but without limiting, the generality of the foregoing, advertising signs, billboards and back stops for tennis courts.

(uu) STRUCTURAL ALTERATIONS - Any change in the supporting members of a building, such as bearing walls of partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

(vv) USE - The "use" of property is the purpose or activity for which the land, or building 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 comprehensive ordinance.

(ww) USE, PRINCIPAL - A "principal use" is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be either "permitted" or "special".

(xx) USE, PERMITTED - A permitted use is a use which may be lawfully established in a particular District or Districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such District.

(yy) USE, SPECIAL - A use--either public or private--which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular District or Districts. After due consideration, in each case, of the impact of such use upon the neighboring land and of the public need for the particular use at the particular location, such "special use" may or may not be granted. A use may be a permitted use in one or more districts and a special use in one or more districts.

(zz) USE, NON-CONFORMING - Any lawfully established use of a building or premises which on the effective date of this ordinance does not comply with all of the applicable use regulations of the District in which such building or premises shall be located.

(aaa) VARIANCE - The City Council's authorized departure from the terms of the Ordinance in accordance with the procedures set forth in this Ordinance in direct regard to a hardship peculiar to an individual lot or situation.

(bbb) YARD - An open space on the same lot with a principal building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of the front yard, or the depth of a rear yard, the mean horizontal distance between the lot line and the principal building shall be used.

(ccc) YARD, FRONT - A Front Yard is a yard extending across a front of a lot between the side yard lines, which is along an existing or dedicated public street, or where no public street exists, is along a public way. On a corner lot the lot line having the shortest length abutting a street line shall be the front yard, except in Commercial Districts the front yard shall always be on the main street (such as 95th Street, 87th Street, Roberts Road, 88th Avenue).

(ddd) YARD, REAR - A Rear Yard is a yard extending along the full length of a lot between the side lot lines which is most distant from, and is, or is most nearly, parallel to, the front yard.

(eee) YARD, SIDE - A yard on the same lot with the principal building, situated between the side of a building and the adjacent side lot line and extending from the rear line of the front yard to the front line of the rear yard.

**ARTICLE IV
GENERAL PROVISIONS**

4.01 INTERPRETATION

(a) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

(b) Where the conditions imposed by any provision of this ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or by 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.

(c) This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

(d) No building, structure, or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any manner that, said unlawful building structure, or use is in conflict with the requirements of this ordinance, said building, structure, or use remains unlawful hereunder.

(e) Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.

(f) The provisions in this ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in the City of Hickory Hills Zoning Ordinance.

4.02 SEVERABILITY

(a) It is hereby declared to be the intention of the Mayor and City Council of the City of Hickory Hills that the provisions of this ordinance are severable, in accordance with the following:

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

2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

4.03 SCOPE OF REGULATIONS

(a) All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

(b) However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this comprehensive amendment, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and

further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated--subject thereafter to the provisions of Article V, Non-Conforming Land, Buildings, and Uses.

(c) Where the Building Commissioner has issued a permissive use permit, a special use permit, or a permit for a variance pursuant to the provisions of this comprehensive amendment, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the Building Commissioner.

(d) A Special Use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six (6) months for any reason. Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this comprehensive amendment, except that side yards shall not be required on lots used for garden purposes without buildings or structures nor on lots used for public recreation areas.

(e) No land which is located in a Residence District shall be used for driveway, walkway, or access purposes to any land which is located in a commercial or Industrial District, or used for any purpose not permitted in a Residence District.

4.04 REGULATIONS FOR SPECIFIC USES

(a) HOME OCCUPATIONS [See Section 3.02(w)]

(b) TRUCK TERMINALS - The following supplementary regulations shall apply to truck terminals, in addition to those regulations which apply to the I-1 Industrial District.

1. Minimum Transitional Yards - Where a truck terminal adjoins either a Residential District or a Commercial District, transitional yards (within which no off-street loading or unloading operation is permitted) shall be provided in accordance with the regulations hereinafter indicated. Transitional yards shall be unobstructed from the ground level to the sky. All accessory buildings which are attached to principal buildings shall comply with the yard requirements of the principal building.

In each truck terminal, the minimum transitional yard requirements for all structures, other than agricultural buildings and structures, shall not be less than those specified below:

Transitional Yard	Abutting Residential District	Abutting Commercial District
Side	150 feet	50 feet
Rear	150 feet	50 feet

4.05 BULK REGULATIONS

(a) CONTINUED CONFORMITY WITH BULK REGULATIONS - The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for other building.

(b) DIVISION OF LOTS - No improved lot shall hereafter be divided into two (2) or more lots unless all improved lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

(c) LOCATION OF REQUIRED OPEN SPACE - All yards and other open spaces allocated to a building shall be located on the same lot as such building.

(d) **YARD REGULATIONS**

1. **Required Yards-Existing Buildings** - No yards now or hereafter provided for a building existing on the effective date of this ordinance shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this ordinance for equivalent new construction.

2. **Projections into Required Yards** - Certain architectural features may project into required yards as follows:

A. Cornices, canopies, eaves or other similar architectural features may project into required yards no more than two (2) feet.

B. Bay windows, balconies, fireplaces, fire escapes, and chimneys, may project three (3) feet, six (6) inches provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

3. **Walls and Fences** - Walls and fences are permitted in yards subject to visibility requirements of Section 4.06 and as regulated by ordinance.

4. **Front Yards for Corner Lots** - A front yard of the required depth shall be provided on one of the two frontages and a second front yard shall be provided on the other frontage, provided that in any R-zone, the second front yard need to be only fifty (50) percent of the required depth for front yards in that zone.

5. **Required yard applies to One Building Only** - No part of a yard, or other open space, or off-street parking or loading space required for or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading, similarly required for any other building.

4.06 VISIBILITY AT INTERSECTION

On a corner lot in an R-1, R-2, R-3, R-4, R-5, or C-3 Zoning District, nothing shall be erected, placed, planted or allowed to grow in such a manner so as to materially impede vision between a height of two and a half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lot and a line joining points along said street lines thirty (30) feet from the point of the intersection.

4.07 LIMITED NUMBER OF BUILDINGS

There shall be no more than one (1) principal dwelling and two (2) accessory structures, including a private garage, on each lot in any R-zone except as provided in Planned Unit Development.

4.08 LANDSCAPING

Any use required by this ordinance to be landscaped in accordance with this section shall be contained within a fence or wall six (6) feet high, or a visual screen consisting of evergreen, or evergreen type hedges or shrubs, placed at intervals of not more than six (6) feet, located and maintained in good condition within five (5) feet of the property line.

4.09 OPEN STORAGE

(a) **LANDSCAPING** -All open storage shall be landscaped in accordance with Section 4.08.

(b) **DEPOSIT OF WASTES** - No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents, insects or animals shall be stored outdoors only in closed containers.

4.10 ACCESS TO SERVICE STATIONS, GARAGES AND PARKING AREAS

No automobile service station, public garage, or commercial parking area or garage for twenty-five (25) or more motor vehicles, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street on which is located a school, playground, place of worship, hospital, library, or institution for dependents or for children, except where such property is in another block or on another street on which the lots does not abut.

4.11 OFF-STREET PARKING REGULATIONS

(a) GENERAL REQUIREMENTS

1. In all Zoning Districts, in connection with every manufacturing, business, institutional, recreational, residential or any other use, there shall be provided, at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein.

2. If the use of the building or structure erected on or after the effective date of this ordinance is changed to another use which required more off-street parking spaces than required for the original use, additional off-street parking spaces shall be provided in the amount necessary to conform to this section.

3. When the intensity or use of a building or structure existing before the effective date of this ordinance is increased by an additional or additions of employees, dwelling units, floor area, seating capacity, beds or other units of measurement specified below, off-street parking spaces shall be provided for such addition or additions as follows:

A. When such addition or additions increase, the intensity of use of such building or structure by more than 25 percent of the aggregate.

B. Off-street parking spaces for such additional or additions need not exceed the amount of off-street parking spaces which would be required for the entire building or structure as proposed if newly constructed.

C. The determination of the increase of intensity of use shall be based on the total increase in intensity of use of such building or structure which it undergoes on or after the effective date of this ordinance whether such total increase occurs at one time or in successive stages.

(b) SIZE, ACCESS AND DESIGN REQUIREMENTS

1. Size. Each off-street parking space and aisle accessing parking spaces shall conform to the following size requirements:

Angle of Parking (degrees)	Stall Width Parallel to Aisle	Stall Depth Perpendicular to Aisle	Aisle Width (One Way)
0	24.0'	9.0'	13.0'
45	12.75'	17.33'	13.0'
60	10.4'	19.0'	17.0'
90 (parallel)	9.0'	18.0'	24.0'

Parking spaces may be shortened by 2 feet with the approval of the Building Commissioner to allow for car overhang extending over a landscape area provided that such parking spaces must be bounded by a continuous concrete curb. All two-way parking aisles must be at least 24 feet in width. Dead end parking aisles of less than 26 feet in width and parking spaces where vehicles must back onto a public street are prohibited.

2. Access. An off-street parking space shall open directly upon an aisle or driveway. Any access to a parking lot or parking space must receive the approval of the Building Commissioner. No curb cut or driveway in excess of 30 feet is permitted. No access shall be provided through a residential zoning district or through a zoning lot other than owned by the parking lot owner (except by a permanent recorded easement). Access to off-street parking areas shall be limited to well-defined locations and shall not be unrestricted across the length of a street or alley which the parking lot abuts.

3. Surfacing. All new and existing parking areas shall be improved with a paved asphalt or concrete surface over a proper base. All construction shall meet the minimum standards for structural materials derived from the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction or shall be approved by the Building Commissioner. Parking spaces shall be clearly identified by painted markings at least 4" in width.

4. Drainage. All parking areas shall provide adequate drainage of water to a storm sewer system. Storm water retention or detention is prohibited in a parking lot if the water level for a 100-year rainfall intensity will exceed 6" in any part thereof.

5. Wheel Stops. Concrete or plastic bumpers shall be installed not less than 24" from any public sidewalk, private building, or landscaping where determined necessary by the Building Commissioner.

6. Lighting. Fixed lighting shall be required for all parking lots accommodating more than 10 vehicles. Illumination shall be arranged so as not to reflect directly into adjacent residential areas.

7. Use. No off-street parking lot shall be used for any purpose other than the temporary parking of motor vehicles related to the premises on the zoning lot. The storage of merchandise, vehicles and the sale and repair of vehicles is prohibited. Required off-street parking spaces shall be solely for the parking of motor vehicles of patrons, occupants and employees.

8. Handicapped Parking. Handicapped parking spaces shall be provided to meet the requirements of Illinois and Federal law or any code of the City.

9. Change in Use. Whenever the use on any zoning lot is changed to another use which requires a greater number of off-street parking spaces, such change is prohibited unless additional off-street parking is provided to conform to the minimum requirements.

10. Location. Required parking spaces shall be located on the same zoning lot as the use which they serve or within 300 feet of such use provided such off-lot parking spaces are located in the same or a less restrictive zoning district and are located on property which is under the same ownership as the use served or under a lease with a term of not less than 20 years. In the event that such spaces cease to be under such control or cease to be used, then the use on the zoning lot shall be terminated or reduced in conformity with the number of required parking spaces available.

11. Screening and landscaping. Any parking area containing 5 or more vehicles shall be screened on any side which abuts a residential use by a fence or hedge which conforms to Section 4.08.

12. Minimum Setback. No parking space shall be located within 2 feet of any lot line.

13. Front Yard. No parking space in an R-5 Multi-Family Residential District shall be located forward of the front building line and on corner lots, forward of the side building line abutting the street.

(c) NUMBER OF PARKING SPACES REQUIRED - The number of off-street parking spaces required shall be as set forth below. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces.

USES**REQUIRED PARKING SPACES**

1. Bowling Alleys	3 for each alley
2. Community Buildings and Social Halls	1 for each 200 sq. feet of floor area
3. Funeral Homes, mortuaries	1 for each 50 sq. feet of parlor space
4. Hospitals, Nursing and Convalescent Homes	1 for each 3 beds plus 1 for each employee
5. Hotels, Boarding and Rooming Houses	1 for each room
6. Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	1 for each 4 employees in the maximum working shift
7. Medical or Dental Clinics or Offices	4 spaces for each doctor or dentist
8. Motels	1 for each rental unit
9. Multiple Dwellings	2 for each dwelling unit
10. Offices (General)	1 for each 500 sq. ft. of floor area
11. Places of Worship	1 for each 5 seats or 100 inches of bench
12. Restaurants, Bars and Night Clubs	1 for each 100 sq. ft. of floor area
13. Retail Stores, Store Groups, Shops, etc.	1 for each 300 sq. ft. of floor area
14. Schools,	1 for each 10 classroom seats
Senior High School; professional business or technical school, studio for art, music, dancing or photography	
Junior High School	1 for each 15 classroom seats
Elementary School	1 for each 20 classroom seats
15. Sports Arenas, Auditoriums Theaters, Assembly Halls	1 for each 3 seats
16. Truck Terminals maximum shift	1 for each 2 employees in
17. Wholesale establishments or warehouses	1 for each 2 employees in maximum shift; the total parking area shall not be less than 25 percent of the building floor area

In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Plan Commission shall apply.

(d) **LOCATION** - Off-street parking for uses in R-5 zone shall not be located between the front building line and street line. On corner lots, this restriction shall also apply to the space between the side street line and the side building line.

(e) **OFF-SITE FACILITIES** - All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than 250 feet from that lot, and provided further, that required spaces are provided off the site in accordance with the provisions set forth herein and that such spaces shall be in the same ownership as the use which they are accessory and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.

4.12 OFF-STREET LOADING

(a) In all Zoning Districts, where the use requires off-street loading, there shall be provided and maintained, on the same lot with such building off-street loading berths in accordance with the requirements of the table following.

1. **Size and Location** - Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length, and have a minimum vertical clearance of fourteen (14) feet, and may occupy all or any part of any required yard.

2. Required Number of Off-Street Loading Spaces:

	Square Feet of Gross Floor Area	Required Off-Street Loading Spaces
School	---	1
Hospital	Under 30,000 For each additional 30,000 or major fraction thereof	1 1 additional
Funeral Home	---	1
Office, Hotel, Retail Service	Under 25,000	1
Wholesale, Warehouse	From 25,001 - 100,000	2-4
Manufacturing, Processing or Repairing Uses	For each additional 50,000 or major fraction thereof	1 additional

4.13 ADDITIONAL REGULATIONS FOR OFF-STREET PARKING AND LOADING AREAS

(a) **JOINT FACILITIES FOR PARKING OR LOADING** - Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to and that no accessory space or portion thereof shall serve as a required space for more than one (1) use.

(b) **DEVELOPMENT AND MAINTENANCE OF PARKING AND LOADING AREAS** - Every parcel of land hereafter used as a public or private parking area for five (5) or more cars or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. **Screening and Landscaping** - Off-street parking area for five (5) or more vehicles and off-street loading areas shall be effectively screened by a fence or hedge as provided in Section 4.08 on the side or sides which adjoin or faces an R zone.

2. **Minimum Distances and Setbacks** - No off-street loading area or parking area or part thereof for five (5) or more vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, or two (2) feet from any lot line.

3. **Surfacing** - Any off-street parking of five (5) or more vehicles or off-street loading area shall be surfaced with a durable and dustless surface. All areas shall be marked so as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.

4. **Lighting** - Lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect the light away from adjoining premises. Off-street parking facilities for multiple-family dwellings shall be adequately lighted.

5. **Drainage** - Any off-street parking area and off-street loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.

4.14 SIGNS

Signs may be permitted in all zoning districts as regulated by ordinance of the City of Hickory Hills.

4.15 FLOODPLAIN DISTRICTS

See Ordinance No. 89-20, as amended.

4.16 NOISE BUFFER ZONE

In order to protect the residents of the City of Hickory Hills from the nuisance and hazards resulting from excessive noise generated by high speed traffic, residential and institutional structures shall be discouraged within 500 feet of the center line of the Tri-State Tollway.

4.17 SPECIAL USES

(a) **PURPOSE** - The development and execution of a zoning ordinance is based upon the division of the City into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories.

1. Uses publicly operated or traditionally affected with a public interest.
2. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(b) **INITIATION OF SPECIAL USE** - Any person owning or having an interest in the subject property may file an application to use such land for one or more of the special uses provided for in this ordinance in the zoning district in which the land is situated.

(c) **APPLICATION FOR SPECIAL USE** - An application for a special use or expansion of a special use shall be filed with the City Clerk. The application shall be accompanied by such plans and/or date and a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in Sections 4.17 (e).

(d) **HEARING ON APPLICATION** - Upon receipt in proper form of the application and statement referred to in Sec. 4.17(c) the City Council shall refer the application to the Zoning Board of Appeals who shall hold a public hearing under provision of Article VII of this ordinance.

(e) **STANDARDS** - No special use shall be recommended by the Zoning Board of Appeals unless said Board shall find:

1. That the establishment, maintenance, or operation of the special use will not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendation of the Zoning Board of Appeals.

(f) **CONDITIONS AND GUARANTEES** - Prior to the granting of any special use, the Zoning Board of Appeals may recommend and the City Council stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Sec. 4.17(e). In all cases in which special uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with.

(g) **REVOCAION** - In any case when a special use has not been established within a year after date of granting thereof, then without further action by the Board, the special use authorization shall be null and void.

(h) **EFFECT OF DENIAL OF SPECIAL USE** - No application for a special use which has been wholly or in part denied shall be resubmitted for a period of one year from the date of said order of denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Board.

(i) **EXISTING SPECIAL USES**

1. Where a use is classified as a special use and exists as a special use or permitted use prior to the adoption of this comprehensive revised ordinance, then it shall be a legal special use under this ordinance.

2. Where a use is not allowed as a special or permitted use and exists as a special use prior to this ordinance, then it shall become a non-conforming use and subject to the applicable non-conforming use provisions of this ordinance.

(j) **PLANNED UNIT DEVELOPMENT** - Planned Unit Developments are of such substantially different character from other special uses that specific additional standards and exceptions are hereby established to govern the recommendations of Zoning Board of Appeals and the action of the Board of Commissioners.

1. **Statement of Objectives** - The intent is to permit greater flexibility for the purpose of securing better site planning than would be possible through a strict application of the zoning ordinance and the subdivision regulations ordinance, while safeguarding the present or future use and development of surrounding areas, and specifically to provide for:

A. An opportunity for new and creative approaches to the living environment and for ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers;

B. An economic and efficient use of land;

C. Permanent provision of common open space and recreation area and facilities;

D. The preservation of natural features, thus enhancing the appearance of the neighborhood and serving a conservational purpose;

E. An improved level of amenities;

F. Maximum choice in the types of environment and housing available.

2. **Review Procedure** - The Plan Commission of the City of Hickory Hills is hereby designated by the corporate authorities to review Planned Unit Developments as a special use in accordance with Chapter 24, Illinois State Statutes, 1967, ¶11-13-1.1.

3. Application of Residential Planned Unit Development - The site of the Residential Planned Unit Development shall consist of not less than two (2) contiguous acres with no major internal barriers. This requirement may be waived if none or more of the following conditions exist:

A. If, because of unusual physical features of the site itself or of the neighborhood in which it is located, a waiver is necessary or appropriate in order to conserve a physical or topographical feature of importance to the municipality;

B. The site or its neighborhood has a historical character of importance to the community which will be protected by a Planned Unit Development.

4. Permitted Uses - A Planned Unit Development may be built in the R-3, R-4, R-5 or C-2 Districts and may include but shall not be limited to the following uses:

A. Dwelling units in detached, semi-detached, attached, multi-storied structures or any combination thereof.

B. Non-residential uses of a religious, cultural, recreational and commercial character which are primarily for the service and convenience of the residents of the development provided that commercial development does not exceed thirty (30) square feet of gross floor area under roof per dwelling unit in the development. Commercial uses shall be limited to those permitted in the C-1 and C-2 zoning districts as listed in Article VI of the Zoning Ordinance. If land zoned commercial is included in the Planned Unit Development, the restrictions of the commercial zone shall apply. However, the location of the commercial development may be shifted within the project site if approved in the development plan and provided that the size remains unchanged.

5. Standards - A plan for a Residential Planned Unit Development shall be reviewed by the Plan Commission for conformity with the intent and the spirit of the Comprehensive Plan of the City of Hickory Hills; with Statement of Objectives for Residential Planned Unit Development of this section and for conformity with the provisions of other sections of this ordinance and the subdivision ordinance not superseded by the standards set out in this section. A plan meeting those initial requirements shall qualify for tentative approval. The Plan Commission shall not revise or add to the rules and regulations applicable to a specific Proposed Residential Planned Unit Development after an application has been filed by the Landowner. A plan shall be consistent with the following general standards:

A. Ownership - The site of a Residential Planned Unit Development shall be under single ownership or control at the time of approval of the final development plan. A binding purchase agreement for the entire site at the time of submittal of the final development plan shall satisfy the requirements of this section.

B. Housing Types - The plan may include a variety of housing types.

C. Maximum ground coverage - The total ground area occupied by buildings and structures shall be regulated by the rules and practice of the Plan Commission who will evaluate the overall plan of each application submitted under the provision of this ordinance.

D. Architectural Style - The architectural style of a proposed building shall not alone be sufficient cause for denial of approval.

E. Density - Any plan which does not propose to increase the number of dwelling units per acre allowed under existing provisions of this ordinance shall qualify for approval with respect to density of use. For the purpose of this paragraph, density shall be computed by dividing the gross project area by the required lot area per dwelling unit after the amount required for streets is first deducted. If the land is not entirely within a single zone, the number of units permitted must be calculated separately for each zone and totaled to determine the total number of dwelling units allowable in the Planned Unit Development. If development is to take

place in stages, the Plan Commission may require that the lower density stages be developed first.

F. Lot and Yard Requirements - The Plan Commission may modify requirements for yard, setback, lot size, frontage and space between buildings for development within the Planned Unit Development, provided that the spirit and intent of the Planned Unit Development Statement of Objectives are complied with and that reasonable visual and acoustical privacy is provided for. The Plan Commission may determine that certain setbacks, frontage requirements, and types of dwellings be required within all or a portion of the perimeter of the site in order to provide reasonable conformance with adjacent development. The Plan Commission may require that structures located on the perimeter of the Planned Unit Development be well screened in a manner that is approved by the Commission in order to provide reasonable privacy for adjacent uses.

G. Common Open Space - The Plan Commission shall consider the amount, shape and location of open space and proposed improvements in terms of usability, access, and the topography of the site. Open space with natural features worthy of preservation may be left unimproved. Common open space shall be provided in an amount equal to the amount saved by decreased lot size immediately adjacent to the lot so decreased.

H. Ownership and Maintenance of Open Space -

(1) All land shown on the final development plan as common space must be conveyed under one of the following options.

a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

b. It may be conveyed in accordance with provisions of the final development plan. The means of ownership and maintenance of the common open space must be approved by the Plan Commission and must restrict the common open space to the uses specified on the final development plan and provide for maintenance in a manner which assures its continuing use for its intended purpose.

(2) If the common open space is not conveyed to a public agency, one of the following methods of enforcement must be provided.

a. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to a public agency.

b. In the event of a substantial default in the stated conditions of the restrictions governing the use, improvement, and maintenance of the common open space, the fee title to the common open space shall be vested in a public agency.

(3) No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit the use in accordance with Sub-section (j)6, Procedure. However, no change of use authorized under Sub-section (j)6 may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted under Sub-section (j)6, are expressly reserved.

I. Minimum Area of Open Space - A minimum of twenty-five (25) percent of planned development group site area shall be developed as public open space, including walkways, plazas, landscaped areas, pools and fountains. Parking areas and vehicle access facilities shall not be considered in calculating public open space.

J. Parking and Loading Design Standards -

(1) Off-street parking may be located anywhere within the Planned Unit Development, provided that in each case the Plan Commission shall find that such off-street parking spaces will be conveniently located. No less than two (2) parking spaces shall be provided per single family dwelling unit, and per multi-family unit.

(2) Parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars.

(3) Pedestrian connections between parking areas and buildings shall be via special pedestrian walkways and/or elevators.

(4) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, and shall be developed as an integral part of an overall site design.

(5) Any above-grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

K. Access Requirements and Circulation System Design Standards -

(1) The proposed site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development.

(2) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

(3) Roads, pedestrian walks and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.

(4) There shall be an adequate amount, in a suitable location, of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.

(5) Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

(6) Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.

(7) The location and design of pedestrian walks should emphasize desirable views of new and existing development in the area.

(8) The maximum separation of private automobiles and service vehicles shall be provided through the use of separate service lanes.

(9) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs benches, etc., shall be of good appearance, easily maintained and indicative of their function.

L. Design Standards -

(1) All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and blocks.

(2) Individual buildings shall be related to each other in design, masses, materials, placement and connections to provide a visually and physically integrated development.

(3) Treatment of the sides and rear of all buildings within the Planned Development group shall be comparable in amenity and appearance to the treatment given to street frontages of these same buildings.

(4) The design of buildings and the parking facilities shall take advantage of the topography of the project site where appropriate, to provide separate levels of access.

(5) All building walls shall be so oriented as to insure adequate light and air exposures to the rooms within.

(6) All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.

(7) All buildings shall be arranged so as to be accessible to emergency vehicles.

M. Landscape Design Standards -

(1) Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.

(2) Primary landscape treatment shall consist of shrubs, ground cover and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to the growing conditions of the City's environment.

(3) Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.

(4) All streets bordering the project area shall be planted at appropriate intervals with street trees.

N. Subdivision Requirements -

(1) Because each Residential Planned Unit Development proposal is unique, specifications for (1) the width and surfacing of streets and highways, (2) alleys, (3) ways for public utilities, curbs and gutters, (4) sidewalks, (5) street lights, (6) public parks and playgrounds, (7) school grounds, (8) storm water drainage, (9) water supply and distribution, (10) sanitary sewers and sewage collection and treatment, shall be subject to modifications from the provisions of the subdivision regulations. The Plan Commission shall waive or modify within the limits specified in this section those other provisions for public facilities which are not considered necessary in the interest of the residents of the Planned Development, the rest of the community and the public.

(2) There shall be adequate design of grades, paving, gutters, drainage and treatment of turf, to handle storm waters, prevent erosion and formation of dust.

(3) Signs and lighting devices shall be properly arranged with respect to traffic control devices and adjacent residential districts.

O. Coordination with Subdivision Regulations -

(1) In order to facilitate the procedure for the approval of a proposed plan, review required under this section of the zoning ordinance may be carried out simultaneously with the review under the subdivision ordinance.

(2) The plan required in Sub-section (j)6, Procedure may be submitted in a form that will satisfy the requirements of the subdivision ordinance for the preliminary and final plans required under the two ordinances.

6. Procedure

A. Preapplication Conference - The applicant may request a preapplication conference or conferences with the Plan Commission to obtain information and guidance before entering into binding agreements or preparing detailed plans. The Plan Commission may also request a preapplication conference if it is deemed necessary.

B. Preliminary Development Plan - The applicant shall file a preliminary development plan with the Plan Commission for review and recommendation or, at his option, may file the final development plan. In the event that a zoning change is required, it may be filed simultaneously and in accordance with the procedures of Article VII of this zoning ordinance. Information submitted as part of the preliminary development plan shall include at least the following:

(1) Site plans showing:

a. Size and location of the proposed development in relation to the surrounding areas.

b. Existing topography of the land including significant natural features.

c. Location of present and proposed streets, parking facilities and pedestrian ways.

d. Location of present and proposed utilities and easements.

e. Location, bulk, height and use of present and proposed buildings.

f. Location of land devoted to common open space, indicating preservation of natural features where applicable and proposed improvements.

g. Location of any other land devoted to public uses, such as school sites.

(2) Architectural sketches to include building plans.

(3) Statement of the proposed character of the development.

(4) Agreements, provisions and covenants which govern the use, maintenance and continued protection of the Planned Unit Development.

(5) Present and future ownership of land.

(6) Proposed financing of the development.

(7) Proposed time schedule of development, including open space and density proposed for each stage, if development is in stages.

(8) Any additional information appropriate for review purposes requested by the Plan Commission.

(9) Filing fee in the amount of \$500 to be used to defray administrative cost and the cost of the public hearing.

The Plan Commission may reserve the right to request comments from other departments of the municipal government as deemed necessary.

C. Public Hearing - A public hearing shall be held before the Plan Commission within 30 days of the date of submittal. The staff report must be publicly available at least 5 working days before the date of the hearing. Notice of the time and place of the hearing shall be published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published in the City or, if no newspaper is published therein, then in at least one newspaper with a general circulation within the City. This notice shall contain the approximate location of the proposed development.

D. Commission Action - The Plan Commission shall submit its recommendations to the legislative body within 10 days of the hearing for ratification.

E. Final Development Plan -

(1) Within 6 months the applicant shall submit the final development plan to the Plan Commission. In its discretion and for good cause, the Plan Commission may extend for six months the period for filing the final development plan. The final plan shall consist of at least the following:

a. Maps as required for the preliminary development plan, indicating exact locations and time schedule.

b. Architectural plans shall be submitted in sufficient detail to show the basic building lay-out, the number of units per building and the number of bedrooms per dwelling unit. Landscaping plans shall also be submitted.

(2) The final plan shall be in substantial agreement with the preliminary plan as approved or modified by the Plan Commission. The final plan may be submitted in stages in accordance with the time schedule of the preliminary development plan.

(3) The Plan Commission shall approve, modify, or disapprove the final development plan in writing with a copy to the applicant within 60 days of submittal.

(4) The zoning map shall be modified to indicate the Planned Unit Development. The final development plan shall be recorded in the manner of recording plats of subdivisions.

F. Development Schedule -

(1) If no construction has begun within one year from date of approval of the final development plan, the final development plan shall no longer be in effect. In its discretion and for good cause, the Plan Commission may extend for up to one additional year the period for beginning construction.

(2) The Plan Commission may revoke the final development plan if construction falls behind the filed time schedule. In its discretion and for good cause, the Plan Commission may extend the final schedule for one additional year.

(3) If the final development plan lapses or is revoked as provided above, any zoning changes that may have been granted shall also be revoked.

G. Building Permits - Building permits shall be issued for buildings and structures in conformity with the approved final development plan provided that common open space has been conveyed as provided in the final development plan. Open space improvements scheduled for any previous stage must not be behind the filed schedule as revised.

H. Compliance with Final Development Plan - The planned Unit Development shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, and assigns. The Plan shall control the use of premises and location of structures in the Planned Development as set forth therein. The Plan Commission may approve minor changes in the final development plan. Minor changes are those which do not change the concept or intent of the Development and which do not include increases in density, height of buildings, reduction of proposed open space or proposed improvements, changes in the final governing agreements, provisions, or covenants. Major changes may be approved only by submission of a new development plan in accordance with this section. All changes to the final plan shall be recorded on the recorded plan or a new "corrected" plan shall be filed.

No changes in the development plan which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the Planned Development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

I. Subdivision and Re-Sale - A Planned Development may be subdivided or resubdivided for purposes of sale or lease. If the subdivision or resubdivision of a Planned Development will create a new plot line, the applicant shall make application to the Plan Commission for the approval of the subdivision or resubdivision. The Plan Commission shall approve the subdivision or resubdivision if each section of the subdivided or resubdivided Planned Development meets the provisions of Section 4.17(j)(5)(E) and (G) of this ordinance, governing density, and common open space. All sections of a subdivided or resubdivided Planned Development are to be controlled by the final development plan rather than by the provisions of the zoning ordinance that would otherwise be applicable. The provisions of Section 4.17(h), governing changes in the final development plan will apply. The owners of a resubdivided Planned Development may jointly make application for a conditional use or for an amendment to the final development plan.

4.18 ADULT USES

(a) DEFINITIONS - When used in this section, the following terms shall have the meanings herein ascribed to them:

1. Adult Bookstore - An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for rent, sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities," or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such materials; or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

2. Adult Entertainment Cabaret - A public or private establishment which (i) features topless dancers, strippers, male or female impersonators; (ii) not infrequently features entertainers who display "specified anatomical areas"; or (iii) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron; or (iv) entertainers who engage in or are engaged in explicit simulation of "specified sexual activities."

3. Adult Motion Picture Theater - A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

4. Adult Use - Adult bookstores, adult motion picture theaters, adult entertainment cabarets, and other similar uses.

5. Specified Sexual Activities - Means (i) human genitals in the state of sexual stimulation or arousal; (ii) acts of human masturbation, sexual intercourse or sodomy; and (iii) fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

6. Specified Anatomical Areas - Means:

A. Less than completely and opaquely covered: (i) human genitals, pubic region; (ii) buttock; (iii) female breasts below a point immediately above the top of the areola; and

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(b) ADULT USES PROHIBITED - No property may be used for an adult use.

**ARTICLE V
NON-CONFORMING LAND, BUILDINGS, AND USES**

5.01 STATEMENT OF PURPOSE

(a) It is the purpose of this article to provide for the regulation of non-conforming buildings, structures and uses and specify those circumstances and conditions under which those non-conforming buildings, structures and uses which adversely affect the maintenance, development or use and taxable value of other property in the district in which they are located shall be permitted to continue.

(b) This ordinance establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those non-conforming buildings, structures and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction.

5.02 CONTINUANCE OF USE

(a) Any lawfully established use of a building or land, on the effective date of this ordinance or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use, and may be continued except as otherwise provided herein.

(b) Any legal, non-conforming building or structure may be continued in use, provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

(c) Any building for which a permit has been lawfully granted prior to the effective date of the ordinance or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within ninety (90) days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

5.03 DISCONTINUANCE OF USE

(a) Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this ordinance, such premises shall not thereafter be used or occupied by a non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.

(b) Whenever a non-conforming use of a building or structure or part thereof has been discontinued for a period of twelve (12) consecutive months or whenever there is evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not after being discontinued or abandoned be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the District.

(c) Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six (6) months constitutes abandonment and shall not thereafter be used in a non-conforming manner.

(d) A non-conforming use not authorized by the provisions of the zoning ordinance in effect at the time the amendatory ordinance becomes effective, shall be discontinued and not reestablished, except when the provisions of the amendatory ordinance find the use to be conforming to the district in which it is then located.

5.04 CHANGE OF NON-CONFORMING USE

The non-conforming use of any building, structure or portion thereof, which is designed or intended for use not permitted in the district in which it is located, may be changed to another non-conforming use thereof only if such other use is permitted by a Special Use Permit as authorized in the Administrative Section.

5.05 TERMINATION AND REMOVAL OF NON-CONFORMING USE, BUILDINGS AND STRUCTURES

(a) The period of time during which the following non-conforming use of buildings, structures or land may continue or remain, shall be limited from the effective date of this ordinance or amendment hereto which causes the use to be non-conforming. Every such non-conforming use shall be completely removed from the premises at the expiration of the period of time specified below:

1. Any non-conforming use of building or structure having an assessed valuation not in excess of \$500 on the effective date of this ordinance shall be removed after two (2) years.

2. Any non-conforming use of land where no enclosed building is involved or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building shall be removed after a period of two (2) years.

3. A non-conforming use of land (outside of a building) shall be made to conform to the provisions of this ordinance within a period of five (5) years.

4. All non-conforming signs, billboards, and outdoor advertising structures shall be removed after a period of two years.

5.06 REPAIRS AND ALTERATIONS

(a) Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

(b) No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:

1. When the alteration is required by law.

2. When the alteration will actually result in eliminating the non-conforming use.

3. When a building in a residential district containing residential non-conforming uses may be altered in any way to improve livability provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

5.07 DAMAGE AND DESTRUCTION

If a building or other structure containing a non-conforming use is damaged or destroyed by any means (fire, explosion, act of God, or by a public enemy) to the extent of sixty (60) percent or more of its valuation (at that time), the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is forty (40) percent or less, the building or structure may be then restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction.

In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction and diligently prosecuted to completion.

5.08 ADDITIONS AND ENLARGEMENTS

(a) A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all regulations of the district in which it is located.

(b) No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.

(c) No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space or any land beyond the boundaries of the lot, as it existed on the effective date of this ordinance or to displace any conforming use in the same building or on the same parcel.

(d) A building or structure which is non-conforming with respect to yards or any other element of bulk regulated herein shall not be altered if expanded in any manner which would increase the degree or extent of its non-conforming with respect to the bulk regulations of the district in which it is located.

5.09 USE DISTRICT CHANGES

Whenever the boundaries of a use district shall be changed so as to transfer an area from one use district to another use district of a different classification, the foregoing provisions shall apply to any non-conforming uses existing therein.

**ARTICLE VI
ESTABLISHMENT OF DISTRICTS AND SCHEDULES**

6.01 ESTABLISHMENT OF DISTRICTS

In order to carry out the purposes and provisions of this ordinance, the City of Hickory Hills is divided into the following zoning districts:

R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Single-Family Residential
R-4	Single-Family Residential
R-5	Multi-Family Residential
C-1	Neighborhood Commercial
C-2	General Commercial
C-3	Highway Commercial
I-1	Industrial

6.02 ZONING MAP, INCORPORATION OF

The location and boundaries of the districts established by this ordinance are shown upon the district zoning maps, which are attached to and incorporated into this ordinance. The said zoning maps, together with all notations references and other information shown thereon, and all amendments thereto, shall have the same force and effect and be as much a part of this ordinance as if fully set forth and described herein.

6.03 RULES FOR INTERPRETATION

(a) Boundaries indicated as approximately following the center lines of streets, highways, or alleys or extensions thereof, shall be construed to follow such center lines or extensions thereof.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following City limits shall be construed as following City limits.

(d) Distances not specifically indicated on the zoning map shall be determined by the scale appearing thereon.

6.04 ZONING SCHEDULES

No person shall use land or a building or structure or erect, construct, reconstruct, move or structurally alter a building, structure, or part there of, except in conformance with the zoning schedules setting forth use regulation, lot, bulk and coverage regulations, and performance standards which follow in Sections 6.041, 6.042 and 6.043.

6.041.1 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT - USE REGULATIONS

(a) PURPOSE

1. To delineate those areas where predominantly residential development has occurred or is likely to occur in accordance with the General Plan of the City of Hickory Hills.
2. To upgrade the character of all residential areas in the City by requiring standards of land use and lot and building bulk and size which more accurately reflect existing development.
3. To protect the integrity of residential areas by prohibiting the incursion of incompatible non-residential uses.
4. To encourage open space.

(b) PERMITTED PRINCIPAL USES

1. Single-family dwellings
2. Community Residence-Small provided that they are located not less than 1,000 feet from another community residence.

(c) PERMITTED ACCESSORY USES

1. Private garage
2. Home Occupation
3. Greenhouse for private use
4. Sign
5. Other uses normally accessory to the principal permitted use

(d) SPECIAL USES

1. Public parks and playgrounds
2. Golf courses

6.041.2 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT - USE REGULATIONS

(a) PURPOSE

1. To promote the public health, safety, and general welfare through the confinement of periodic floods to reasonable limits by regulating and restricting areas of development along or in natural watercourses, channels, drainage ditches and streams.
2. These districts and the regulations thereof shall apply in addition to regulations of any other zoning district, which now or in the future may lie within the boundaries of these districts.
3. To protect the integrity of residential areas by prohibiting the incursion of incompatible non-residential uses.

(b) PERMITTED PRINCIPAL USES

1. Single-family dwellings
2. Community Residence-Small provided that they are located not less than 1,000 feet from another community residence.

(c) PERMITTED ACCESSORY USES

1. Private garage
2. Home Occupation

3. Greenhouse for private use
4. Signs
5. Other uses normally accessory to the principal permitted use

(d) SPECIAL USES

1. Public or parochial schools
2. Public parks and playgrounds
3. Golf courses
4. Places of worship

6.041.3 R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT - USE REGULATIONS

(a) PURPOSE

1. To delineate those areas where predominantly residential development has occurred or is likely to occur in accordance with the General Plan of the City of Hickory Hills.
2. To upgrade the character of all residential areas in the City by requiring standards of land use and lot and building bulk and size which more accurately reflect existing development.
3. To protect the integrity of residential areas by prohibiting the incursion of incompatible non-residential uses.

(b) PERMITTED PRINCIPAL USES

1. Single-family dwellings
2. Community Residence-Small provided that they are located not less than 1,000 feet from another community residence.

(c) PERMITTED ACCESSORY USES

1. Private garage
2. Home Occupation
3. Greenhouse for private use
4. Sign
5. Other uses normally accessory to the principal permitted use

(d) SPECIAL USES

1. Public or parochial schools
2. Public parks and playgrounds
3. Golf courses
4. Places of worship
5. Municipal operated water utility
6. Convents or Monasteries

6.041.4 R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT - USE REGULATIONS

(a) PURPOSE

1. To delineate those areas where predominantly residential development has occurred or is likely to occur in accordance with the General Plan of the City of Hickory Hills.
2. To upgrade the character of all residential areas in the City by requiring standards of land use and lot and building bulk and size which more accurately reflect existing development.

3. To protect the integrity of residential areas by prohibiting the incursion of incompatible non-residential uses.

(b) PERMITTED PRINCIPAL USES

1. Single-family dwellings
2. Community Residence-Small provided that they are located not less than 1,000 feet from another community residence.
3. Places of worship.

(c) PERMITTED ACCESSORY USES

1. Private garage
2. Home Occupation
3. Greenhouse for private use
4. Sign
5. Other uses normally accessory to the principal permitted use

(d) SPECIAL USES

1. Public or parochial schools
2. Public parks and playgrounds
3. Golf courses
4. Municipal operated water utility
5. Convents or Monasteries

6.041.5 R-5 MULTI-FAMILY RESIDENTIAL DISTRICT - USE REGULATIONS

(a) PURPOSE

1. To delineate those areas where predominantly residential development has occurred or is likely to occur in accordance with the General Plan of the City of Hickory Hills.

2. To upgrade the character of all residential areas in the City by requiring standards of land use and lot and building bulk and size which more accurately reflect existing development.

3. To protect the integrity of residential areas by prohibiting the incursion of incompatible non-residential uses.

(b) PERMITTED PRINCIPAL USES

1. Single-family dwellings
2. Two-family dwellings
3. Multi-family dwellings
4. Condominiums (residential)
5. Community Residence-Small provided that they are located not less than 1,000 feet from another community residence.
6. Community Residence-Large provided that they are located not less than 1,000 feet from another community residence.
7. Places of worship

(c) PERMITTED ACCESSORY USES

1. Private garage
2. Off-street parking area
3. Home occupation
4. Sign

5. Other uses normally accessory to the principal permitted use

(d) SPECIAL USES

1. Public or parochial schools
2. Public parks and playgrounds
3. Public libraries
4. Planned unit development
5. Hospitals
6. Nursery schools
7. Private club
8. Institutions of an educational or philanthropic nature
9. Police or fire stations
10. Municipal service or storage building or yards
11. Social halls, lodges and fraternal organizations
12. Planned Unit Developments (Mixed Commercial and Residential)

6.041.6 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT - USE REGULATIONS

(a) PURPOSE

1. To delineate those areas where predominantly mixed commercial and residential uses have occurred.
2. To encourage the continuance of residential uses to those which serve primarily the neighborhood.
3. Municipal uses that serve the community.

(b) PERMITTED PRINCIPAL USES

1. The following uses are permitted provided they are operating entirely within an enclosed building except off street parking and loading facilities:

- A. Art and School Supplies store
- B. Bakeries - all goods are sold on premises at retail only
- C. Banks and other financial institutions
- D. Barber shops and Beauty Parlors
- E. Book and Stationary stores
- F. Business and professional offices, including medical offices
- G. Camera and Photographic supply stores
- H. Candy and Confectionery store
- I. China, Glassware store
- J. Coin and Philatelic stores
- K. Currency Exchange
- L. Drapery store and Fabric
- M. Drug store
- N. Dry Cleaning pickup and delivery depot
- O. Dry Goods store
- P. Florist
- Q. Food stores
- R. Gift shops
- S. Haberdasheries and Millinery
- T. Hardware stores
- U. Hobby and Crafts store
- V. Ice Cream store
- W. Jewelry store - repair and sales
- X. Laundries

- Y. Locksmith shop
- Z. Luggage and Leather goods store
- AA. Musical Instruments - sales and repairs - retail only
- BB. Photographic studio
- CC. Radio, T.V., and Tape Recorder shop - sales and repairs
- DD. Restaurants, excepting night clubs, cabarets, and similar establishments
- EE. Shoe Repair shop
- FF. Shoe sales
- GG. Small Electrical Appliance shop - sales and repairs
- HH. Sporting and Athletic Goods store
- II. Tailor and Dressmaker
- JJ. Toy store
- KK. Wearing Apparel store
- LL. Planned Unit Developments (Mixed Commercial and Residential)

2. Apartments and/or living quarters -- subject to the density requirements of the R-5 District, provided they are located above the main floor and above a business use permitted in this district.

- 3. Municipal Operated Utilities
- 4. Police or Fire Stations
- 5. Municipal service or storage buildings or yards

(c) PERMITTED ACCESSORY USES

- 1. Signs.
- 2. Off-street parking and loading.
- 3. Other uses normally accessory to the principal permitted use.

(d) SPECIAL USES

- 1. Dry cleaning plant.
- 2. Nursery Schools.
- 3. Nursing or convalescent homes.
- 4. Taverns and cocktail lounges.
- 5. Package liquor stores.

6.041.7 C-2 GENERAL COMMERCIAL DISTRICT - USE REGULATIONS

(a) PURPOSE

1. To delineate those areas where predominantly commercial development has occurred or is likely to occur in accordance with the General Plan of the City of Hickory Hills.

2. To encourage the development of modern commercial development with adequate off-street parking and other amenities to serve customers and employees.

3. Preserve the City's property tax base and to generate sales tax revenue by limiting the uses to commercial retail stores, commercial establishments, service establishments, and professional offices that generate sales tax revenues, maintain the City's tax base.

4. Provide convenient locations for the public to shop, obtain services and conduct business.

(b) PERMITTED PRINCIPAL USES

- 1. Any use permitted in the C-1 Neighborhood Commercial District except residential (including within a planned development) and municipal uses.
- 2. Department stores

3. Funeral parlors
4. Hotels and Motels
5. Landscape nurseries, garden supplies
6. Medical and dental office building and testing laboratories
7. Package liquor stores
8. Specialty stores
9. Taverns and cocktail lounges
10. General retail stores

(c) PERMITTED ACCESSORY USES

1. Signs
2. Off-street parking and loading
3. Other uses normally accessory to the principal permitted use

(d) SPECIAL USES

1. Automobile repair shops
2. Automobile sales
3. Automobile service stations
4. Automobile washing establishment
5. Dry cleaning plants
6. Commercial indoor amusement enterprises including theatres, bowling alleys, billiard parlors, and other similar uses.
7. Night clubs and cabarets
8. Commercial parking garages

6.041.8 C-3 HIGHWAY COMMERCIAL DISTRICT - USE REGULATIONS

(a) PURPOSE

1. To delineate areas appropriate for commercial uses which are either oriented to the highway or intended as service to vehicles.
2. Preserve the City's property tax base and to generate sales tax revenue by limiting the uses to commercial retail stores, commercial establishments, service establishments, and professional offices that generate sales tax revenues, maintain the City's tax base,
3. Provide convenient locations for the public to shop, obtain services and conduct business.

(b) PERMITTED PRINCIPAL USES

1. Any use permitted in the C-2 General Commercial District
2. Animal hospitals, kennels, pounds
3. Automobile or service station training schools
4. Furniture stores
5. Interior decorating studios
6. Landscape nurseries, garden supplies
7. Music schools
8. Paint stores
9. Pet shops with no permanent boarding of animals
10. Variety stores
11. Wholesale establishments

(c) PERMITTED ACCESSORY USE

1. Signs
2. Off-street parking and loading

3. Other uses normally accessory to the principal permitted use

(d) SPECIAL USES

1. Automobile repair shops
2. Automobile sales
3. Automobile service stations
4. Automobile washing establishments
5. Drive-in restaurants
6. Dry cleaning plants
7. Mobile home sales
8. Night clubs and cabarets
9. Commercial parking garages
10. Planned commercial developments

6.041.9 I-1 INDUSTRIAL DISTRICT - USE REGULATIONS

(a) PURPOSE

1. To delineate areas best suited for industrial development because of location, topography, existing facilities and relationship to other land uses.
2. Uses incompatible with industry are not to be permitted.

(b) PERMITTED PRINCIPAL USES

1. Professional and business offices, including medical and dental clinics.
2. Laboratories and research firms involved in a research, experimentation or testing of materials, goods or products.
3. Printing, publishing, or lithography establishments.
4. Miniwarehouses.
5. Direct selling establishments, where products are stored and distributed, but not displayed for retail sales.
6. All low nuisance, light manufacturing and industrial activities, including fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging and storage of materials, products and goods that can be conducted wholly within enclosed buildings.
7. Contractor offices.
8. Rental and sale of motor vehicles and equipment.

(c) PERMITTED ACCESSORY USES

1. Signs
2. Off-street parking and loading
3. Indoor and outdoor storage areas
4. Other uses normally accessory to the principal permitted use

(d) SPECIAL USES

1. Planned industrial developments
2. Restaurants

(e) **AMORTIZATION OF TRUCK TERMINALS**

After the date of this ordinance any property or structure used as a truck terminal shall be classified as a non-conforming use or a non-conforming structure. Such use or structure may continue as such, without expansion subject to the provisions of Article V, until May 25, 2016 at which time it shall be unlawful to use any property or building as a truck terminal.

6.042 LOT, BULK AND COVERAGE REGULATIONS

See attached chart on page Z-46.

6.043 PERFORMANCE STANDARDS

(a) Permitted and special exception uses enumerated in the I-1 Industrial District, and uses accessory thereto, are subject to the following performance standards.

1. **SOUND** - Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this comprehensive amendment, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. 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.

In the I-1 District, at no point in the boundary of a Residential or Commercial District shall be sound pressure level of any operation or plant (other than background noises produced by sources not under control of this Ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below:

Octave Band Frequency (Cycles per Second)	Maximum Permitted Sound Level (In Decibels) ALONG RESIDENTIAL DISTRICT BOUNDARIES
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
above 4,800	32

Octave Band Frequency (Cycles per Second)	Maximum Permitted Sound Level (In Decibels) ALONG BUSINESS DISTRICT BOUNDARIES
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1,200	53
1,200 to 2,400	47
2,400 to 4,800	41
above 4,800	39

2. **VIBRATION** - In the I-1 District, any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earth-borne vibrations, (other than background vibrations produced by some source not under control of this ordinance, such as the operation of motor vehicles or other transportation facilities) in excess of the limits set forth in Column I is prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a Residential District boundary line, earth borne vibrations in excess of the limits set forth in Column II is prohibited. Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the Zoning Board.

Frequency (Cycles per Second)			I* Displacement (Inches)	II* Displacement (Inches)
0	to	10	.0008	.0004
10	to	20	.0005	.0002
20	to	30	.0002	.0001
30	to	40	.0002	.0001
40	and over		.0001	.0001

Steady-State-Vibrations, for the purpose of this Ordinance are vibrations which are continuous, or if in discrete pulses are more frequent than 100 per minute. Impact vibrations, that is, discrete pulses which do not exceed 100 impulses per minute shall not cause in excess of twice the displacements stipulated.

*Interpolate for intermediate values not shown in table.

3. **SMOKE AND PARTICULATE MATTER** - In the I-1 District, the emission of more than twenty (20) smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, once during any six-hour period each stack may emit up to thirty-five (35) smoke units - not to exceed Ringelmann No. 2 - when blowing soot or cleaning fires. Only during fire-cleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than four (4) minutes per period.

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour, after deducting from the gross hourly emission per acre the correction factor set forth in the following table.

Allowance for Height of Emission*

Height of Emission Above Grade (feet)	Correction Pounds per hour per Acre
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

*Interpolate for intermediate values not shown in table.

Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

- A. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.

B. From each gross hourly rate of emission derived in A. above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.

C. Add together the individual net rates of emission derived in B. above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed one pound per acre of lot area during any one hour.

4. TOXIC MATTER - In the I-1 District, no activity or operation shall cause, at any time, the discharge of toxic matter across lot lines 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.

5. NOXIOUS AND ODOROUS MATTER - In the I-1 Districts, no activity or operation shall cause at any time, the discharge of matter across lot lines in such concentrations as to be noxious. The emission of matter in such quantities as to be readily detectable as an odor at any point along lot lines is prohibited.

6. FIRE AND EXPLOSIVE HAZARDS - In the I-1 District, the storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met:

Said material or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases, shall be permitted in accordance with the following table - exclusive of storage of finished products in original sealed containers, which shall be unrestricted:

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED*
(In Gallons)

Industries Engaged In Storage Only	Above Ground	Underground
Materials having a closed cup flash point over 187° F	Prohibited	100,000
From and including 105° F. to and including 187° F.	Prohibited	100,000
Materials having a closed cup flash point of less than 105° F.	Prohibited	100,000
Industries Engaged in Utilization and Manufacture of Flammable Materials	Above Ground	Underground
Materials having a closed cup flash point over 187° F.	500,000	100,000
From and including 105° F. to and including 187° F.	20,000	100,000

Materials having a
closed cup flash point
of less than 195° F.

500,000

100,000

*When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet permitted, at standard temperature and pressure (32 °F. and 14.7 Psi), shall not exceed three hundred (300) times the quantities as listed above.

7. GLARE AND HEAT - In the I-1 District, any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines.

8. RADIOACTIVITY OR ELECTRICAL DISTURBANCE - No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment. All applicable Federal regulations shall be complied with.

**ARTICLE VII
ADMINISTRATION AND ENFORCEMENT**

7.01 ENFORCEMENT OFFICER, ZONING CERTIFICATE, AND OCCUPANCY CERTIFICATE

(a) The Building Commissioner shall be the Enforcement Officer for the Zoning Ordinance. In addition thereto, such other personnel in the Building Department as are prescribed with the duty to enforce the Zoning Ordinance by the building Commissioner shall be deemed to be enforcement Officers.

(b) Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department or employee of this City unless the application for such permit has been examined by the Office of the Building Commissioner that the proposed building or structure complies with all provisions of this ordinance. Any permit or certificate of occupancy issued in conflict with the provisions of this ordinance shall be null and void.

(c) No building, or addition thereto, constructed after the effective date of the Zoning Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of the Zoning Ordinance, shall be used for any purpose until a certificate of occupancy has been issued by the Office of the Building Commissioner. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of the Zoning Ordinance.

(d) Every application for a zoning certificate, or occupancy permit, shall be accompanied by such information, plans, drawings, and plats as deemed necessary by the Building Commissioner.

7.02 ZONING BOARD OF APPEALS

(a) **CREATION AND MEMBERSHIP** - A Zoning Board of Appeals is hereby authorized to be established. The word "Board", when used in this section, shall be construed to mean Zoning Board of Appeals. The said Board shall consist of seven (7) members appointed by the Mayor by and with the consent of the City Council. The members of said Board shall serve respectively for the following terms, or until their respective successors are appointed and qualifies; one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years, for the first seven appointed, and five years each for those following the first seven appointed. One of the members of said Board shall be designated by the Mayor with the consent of the City Council, as Chairman of said Board, and shall hold his office as Chairman until his successor is appointed. The Mayor shall have the power to remove any member of said Board for cause and after a public hearing. Vacancies upon said Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such member. The members of the Board shall receive such salaries as may be determined and fixed by the City Council.

(b) **MEETINGS AND RULES** - All meetings of the Board shall be held at the call of the Chairman, and at such times as the Board may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at a hearing either in person or by his attorney. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every appeal, authorized variation and every recommendation, order, requirement, decision, or determination of the Board shall be filed immediately in the office of the City Clerk and shall be a public record. The Board may adopt its own rules and procedures, not in conflict with the Zoning Ordinance or with the applicable Illinois statutes. In the absence of any rule adoption, Robert's Rules of Order shall prevail.

(c) JURISDICTION - The Board is hereby vested with the following jurisdiction and authority:

1. To hear and decide all appeals from an administrative order, requirement, or determination made by the Building Commissioner.

2. To hear and decide all applications for variations upon which the Board is required to decide under the Zoning Ordinance and as directed by City Council.

3. To hear and decide all applications for special uses upon which the Board is required to decide under the Zoning Ordinance and as directed by City Council.

4. To hear and decide all other matters upon which it is required to pass under the Zoning Ordinance.

7.03 VARIATIONS

(a) The power to determine and approve variations is reserved to the City Council and shall be exercised only by the adoption of ordinances. No variations shall be made without a hearing before the Board, or such other body as determined by the City Council.

(b) Variations may be granted by the City Council if the latter determines that the general purpose and intent of the Zoning Ordinance will be complied with.

(c) The Board shall not decide or recommend variations in the provisions of the Zoning Ordinance, unless it shall have made findings based upon the evidence presented to it in the following cases:

1. That 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; and that the variation, if granted, will not alter the essential character of the locality; or

2. That the plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality.

(d) For the purpose of supplementing the above standards, the Board, in making its decision or recommendations whenever there are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts favorable to the applicant, have been established by the evidence that:

1. 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 regulations were to be carried out.

2. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.

3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

5. 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.

6. 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) The Board may require or recommend such conditions and restrictions upon the premises benefited 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 the Zoning Ordinance.

(f) The City Council may refer any proposed variation back to the Board for further consideration.

(g) Any proposed variation which fails to receive the approval of the Board of Appeals, said approval meaning the affirmative vote of four members of the Board, shall not be passed by the City Council except by the affirmative vote of two-thirds of all the Aldermen of the City.

(h) Every variation shall be made after a hearing before the Board, and shall be accompanied by findings of fact which refer to any exhibits containing plans and specifications for the proposed variation. The findings of fact shall specify the reason or reasons for making the variation. The terms of relief granted shall be specified in the ordinance, and may be conditioned upon such specific terms as are determined by the City Council.

7.04 SPECIAL USES

The procedural provisions of Section 7.03 shall apply to any request for a special use.

7.05 AMENDMENTS OF REGULATIONS AND DISTRICTS

(a) For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the City, and lessening or avoiding congestion in the public streets and highways, the City Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by the Zoning Ordinance, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantages of the entire City, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance. Zoning districts may also be amended from time to time by the City Council.

(b) No amendment of the regulations or districts shall be made without a hearing before the Plan Commission or such other Commission designated by the City Council.

(c) In case a written protest is filed pursuant to Section 11-13-14 of the Illinois Municipal Code, no amendment shall pass the City Council except upon a favorable vote of two-thirds of the Aldermen then holding office.

7.06 PROCEDURE

(a) An application for a variation, special use, or amendment of a zoning regulation or district shall be made upon such forms as are prescribed by the City. An application may be made by any official of the City, or any person owning the property, or having a contract to purchase the property.

(b) The application shall be filed with the City Clerk who shall transmit the same to the Zoning Board of Appeals or Plan Commission, depending upon the type of application and who is charged under the Zoning Ordinance with the responsibility of holding hearings.

(c) An application shall be accompanied by a plat of survey of the property showing all structures located thereon. For all applications involving vacant property, a plat of survey shall show such topographic data as is deemed necessary by the City. Any required supplemental information must be filed by the applicant.

(d) All applications shall be accompanied by a fee of \$500.00, except that applications for any property located within or asking for reclassification to an R-5, C-1, C-2, C-3, and I-1 shall be accompanied by a fee of \$1,000.00. Any costs incurred by the City in connection with an application, including the hearing, court reporter, engineering studies, or other expenses shall be paid by the applicant prior to any final action of the City Council.

7.07 NOTICE

(a) Notice of all public hearings shall be provided by publication and by mailing. The publication notice shall appear in a newspaper published within the City or of general circulation within the City at least once not more than 30 nor less than 15 days before the hearing. The notice shall contain the name of the property owner, the name of the petitioner, the legal description of the property, the address of the property, the relief requested, and the date, time, and place of the public hearing. All public hearings may be continued from time to time or adjourned, without any further notice being published.

(b) A copy of the notice to be published shall be mailed by regular mail to all parties listed on the current tax records of the County Collector of all property located within 250 feet in any direction of the property for which the public hearing is being held. This notice shall be prepared and sent by the City not more than 30 nor less than 10 days before the hearing. All public hearings may be continued from time to time or adjourned, without any further notice being sent.

(c) Not less than 10 days prior to the date of any public hearing the petitioner shall post and maintain on the property a wooden sign not less than 12 square feet containing the following information:

1. Date, place and time of public hearing.
2. Summary of relief requested.
3. Future use of property.

The sign shall be erected within 5 feet of the front property line so that it is visible from the street. At the public hearing the petitioner shall submit an affidavit with a photograph of the sign as evidence of erection.

7.08 HEARING AND RECOMMENDATION

(a) The appropriate body shall conduct a public hearing on all applications within 35 days of the filing of the completed application. Such hearing may be continued from time to time or adjourned. Any person who lives or owns property within 250 feet of the applicant's property or any person who proves specific, special, or unique damages to himself or his property or any adverse effect upon his property if the application is granted shall have the right to be heard at the hearing. All testimony shall be under oath.

(b) Subpoenas shall be issued in compliance with Sections 11-13-7 and 11-13-7a of the Illinois Municipal Code. All interested parties shall have the opportunity to present witnesses on their behalf and to cross-examine all testifying witnesses. These rights may be limited to insure orderly and speedy proceedings.

(c) Any property owners or other parties in opposition to the application may, upon request, be granted one continuance for the purpose of presenting evidence to rebut testimony given by the applicant.

(d) Upon the conclusion of the hearing a recommendation and finding of facts shall be issued within 10 days to the City Council.

7.09 CITY COUNCIL ACTION

(a) Upon receipt of the recommendation and finding of facts, the City Council shall give due consideration to the applicant. Any relief granted or application granted shall be by way of ordinance adopted by the City Council. Such ordinance may contain conditions upon the granting of the relief of application.

(b) All applications not acted upon within 90 days after filing of the recommendation and finding of facts shall be deemed automatically denied.

(c) The City Council may refer any matter back to the hearing board for further proceedings.

7.10 PENALTIES

(a) Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with or resists enforcement of any of the provisions of this ordinance shall be subject upon conviction to a fine of not less than \$25.00 nor more than \$500.00 or imprisonments for not more than six months, or both, for each offense; and each day a violation continues to exist shall constitute a separate offense.

(b) If any person, firm, corporation or business association violates any provision of this ordinance, the Building Commissioner shall make such violation known to said person, firm, corporation or business association, and shall confirm such notice in writing. Said person, firm, corporation or business association shall then have 10 days in which to (1) correct such violation, (2) make arrangements which are satisfactory to the Building Commissioner to have said violation corrected, or (3) to show cause to the Building Commissioner why said violation will not be corrected.

(c) If, after the expiration of the 10-day period, any person, firm, corporation or business association has not complied with (1), (2), or (3) of the preceding paragraph above, the Building Commissioner shall cause a complaint to be filed in the Circuit Court of Cook County citing said person, firm, corporation or business association for such violation.

**ARTICLE VIII
COMMUNITY RESIDENCES**

8.01 RESPONSIBILITY

The primary responsibility for enforcement of all regulations in this Zoning Ordinance pertaining to community residences, certifications and the issuance of administrative permits, shall be in the Laws and Ordinance Committee of the City Council. The primary responsibility for the issuance of a building permit, construction and compliance with all building regulations including issuance of an occupancy permit that construction complies with the Building Code shall remain with the Building Commissioner.

8.02 APPLICATION FOR COMMUNITY RESIDENCE PERMITS

In every application for a community residence permit or certification, the applicant shall demonstrate that it has either obtained or is eligible for state or local licensing or certification to operate the proposed community residence, or that the proposed community residence is licensed or certified or eligible for licensing or certification. Applicants to operate community residences for which the state does not require licensing or certification shall obtain a special use permit prior to obtaining an occupancy certificate. The Laws and Ordinance Committee of the City Council shall issue such permits or certifications administratively. The Committee may revoke a certificate of occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residences, is revoked. A certificate of occupancy is not transferable to another operator or to another location.

8.03 COMMUNITY RESIDENCE PERMITS

No building permit or occupancy permit, administrative or otherwise, shall be issued unless it is found that such application conforms with the following standards:

- (a) That it complies with zoning requirements.
- (b) That it meets all the qualifications for a group home set forth in law.
- (c) That it complies with the current Building Code, Fire Prevention Code and Property Maintenance Code.
- (d) That it complies with all state and federal building and occupancy requirements.
- (e) That it is duly licensed and certified by the state.
- (f) That it would not create an institutional setting.
- (g) That adequate off-street parking is provided.
- (h) That parking on streets will not interfere with other resident street parking.
- (i) That the building is so designed that it will fit in with the character of the neighborhood in which it is being located; that is, provide a home-like atmosphere.

6.042 LOT, BULK AND COVERAGE REGULATIONS

DISTRICT	MINIMUM LOT DIMENSIONS				MINIMUM YARD DIMENSIONS			MAXIMUM HEIGHT AND BULK			MINIMUM FOUNDATION AREA (Sq. Ft.)	MINIMUM FLOOR AREA PER UNIT
	Lot Area (Sq. Ft.)	Lot Area per D.U. (Sq. Ft.)	Width (Ft.)	Depth (Ft.)	Front (Ft.)	Side (%) One Total (Ft.)	Rear (Ft.)	Height (Ft Stories)	Coverage (%)	Floor Area Ratio		
R-1	20,000	20,000	75	125	30	10%	25	25 2	30	0.6	1,600	
R-2	15,000	15,000	75	125	30	10%	25	25 2	35	0.6	1,600	
R-3	10,000	10,000	75	125	30	10%	25	25 2	40	0.7	1,200	
R-4	6,600	6,600	60	100	30	10%	20	25 2	40	0.8	1,150	
R-5												
Single-Family	6,600	6,600	60	100	30	10%	20	25 2	40	0.7		
Two-Family	8,000	4,000	60	100	30	10%	25	35 2-1/2	40	0.8		
Multi-Family	8,000	2,500	60	100	30	10 25	30	35 3	40	1.0		1,100
C-1					10	10%	25	35 3	70	1.0		
C-2	5,000		50	100	15	10 25	25	70 6	50	1.0		
C-3	10,000		80	100	20	10 25	25	70 6	50	1.0		
I-1	10,000		80	100	20	10 25	25	70 6	40	1.0		