

ARTICLE V.

OFF-STREET PARKING AND LOADING

501. - PURPOSE. The purpose of this section is to alleviate or prevent the congestion of the public streets, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

502. - GENERAL PROVISIONS - PARKING AND LOADING.

1. Scope of Regulations. The off-street parking and loading provisions of this ordinance shall apply as follows:

a. For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of the ordinance, and provided that construction is begun within one year of such effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.

b. When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other unit of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

However, no building or structure lawfully erected or use lawfully established prior to the effective date of this ordinance shall be required to provide such additional parking or loading facilities.

c. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this ordinance.

2. Existing Parking and Loading Facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.

3. Permissive Parking and Loading Facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve an existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.

4. Damage or Destruction. For any conforming or legally non-conforming building or use which is in existence on the effective date of this ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause and which is reconstructed, reestablished or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.

5. Control of Off-Site Parking Facilities. When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Zoning Board of Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities is reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

6. Submission of Plot Plan. Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan -- drawn to scale and fully dimensioned -- showing any parking or loading facilities to be provided in compliance with this ordinance.

503. - ADDITIONAL REGULATIONS - PARKING.

1. Use of Parking Facilities. Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used for the parking of pas-

senger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking of automobiles belonging to the employees, owners, tenants, visitors or customers of business or manufacturing establishments.

2. Joint Parking Facilities. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

3. Computation. When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

4. Size. A required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet.

5. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

6. In Yards. Off-street parking spaces may be located in any yard except required front yards in one-family (R-1) and two-family (R-2) residential districts.

7. Parkways.

a. No person, firm or corporation shall park, deposit, leave or store any motor vehicle or other tangible personal property at any time between the lot line and the curb line at any place within the City of Northlake, except as otherwise provided in this Article.

b. In the R-3, B-1, B-2 and B-3 Zoning Districts, parking shall be permitted on the parkway in front of any building or structure in existence on the effective date of this Ordinance provided the following conditions have been met:

(1) The drainage under the parkway shall be approved by the Building Commissioner.

(2) The parkway shall be asphalted in accordance with the applicable Ordinances of the City of Northlake, or as recommended by the Building Commissioner.

(3) The parkway shall be striped to designate parking places in nine (9) foot widths in such a manner that any vehicles parked thereon shall remain clear of the existing sidewalk or designated sidewalk areas and avoid any overhang on the street right-of-way.

(4) Between the hours of 2:00 a.m. and 6:00 a.m., only those vehicles bearing numbered window stickers issued by the City of Northlake pursuant to Ordinance shall be allowed to park on the parkway.

c. In R-3, B-1, B-2 and B-3 no parking shall be permitted between the hours of 2:00 a.m. and 6:00 a.m. on the parkway in front of any building or structure completed after effective date of this ordinance.

8. Design and Maintenance.

a. Open and Enclosed Parking Spaces. Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a residential district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.

b. Surfacing. All new open off-street parking areas and driveways shall be improved with a compacted macadam base, not less than two (2) inches thick, surfaced with asphaltic concrete or some comparable all weather dustless material.

c. Screening and Landscaping. All open automobile parking areas shall be effectively screened on each side yard adjoining or fronting on any residential zoned district by a wall, fence or densely planted compact hedge not less than four (4) feet nor more than seven (7) feet in height. Such required screening shall conform with the front and side yard setback requirements of the district in which the parking is located.

d. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance.

e. Signs. Accessory Signs are permitted on parking areas in accordance with applicable sign ordinance.

f. Repair and Service. No motor vehicle repair work of any kind shall be permitted in parking lots. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless such facilities are located within a completely enclosed building in which case gasoline and motor oil may be sold within such building, and provided further that all gasoline pumps shall be effectively screened from view of the street.

g. Wheel Guards. All off-street parking areas shall be provided with concrete wheel guards, bumper guards or continuous curb permanently secured to the finished surface. Wheel guards, bumper guards or continuous curbs shall be so located that no part of any parked vehicle will extend beyond the property line or encroach upon any adjacent sidewalk and/or landscaped area(s).

h. Pavement Marking. When required for traffic control and safety, all parking stalls, aisles, and access entrances and exits shall be marked on the pavement surface with paint or an equivalent marking material.

i. Handicapped Parking. All uses except single-family detached or attached dwellings shall be required to provide off-street parking spaces for handicapped persons pursuant to "Accessibility Standards Illustrated," Capital Development Board, State of Illinois or any other manual or guideline adopted by Ordinance or Resolution of the City or federal regulations whichever is more demanding. The number of handicapped parking spaces shall be included in the required total number of parking spaces. Such spaces shall be identified by a sign indicating parking for handicapped only. Such spaces shall be the spaces located closest to the building or use for which they are provided. Handicapped parking spaces shall be connected to the Permitted or Special Use for which they are required. The dimension of each handicapped parking space shall be not less than eighteen (18) feet long and not less than twelve and one-half (12½) feet wide.

j. Drainage. All open off-street parking facilities shall be designed for adequate drainage. The discharge of storm water from said parking facilities into existing public storm sewers, drains, streets, ditches, channels or any other public drainageways shall be subject to the limitations and requirements as set forth by the City of Northlake or any other governmental agency having jurisdictional control over said sewer or drainageway. The discharge of storm water onto adjacent private property or into private owned drains will not be permitted unless written approval is obtained from said private owner. When deemed applicable by the City of Northlake, on-site storm water detention and/or retention shall be provided.

When off-street parking facilities are located with designated flood plain areas, then planning, design, and construction of said parking facilities shall comply with applicable requirements of the City's Flood Plain Control Ordinance.

504. - LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES. The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

1. For Uses in a Residence District. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of three hundred (300) feet from such use.

2. For Uses in Business and Industrial Districts. All required parking spaces shall be within one thousand (1,000) feet of the use served, except for spaces accessory to dwelling units, which shall be within three hundred (300) feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district, except that private, free, off-street parking accessory to such uses and municipal parking lots may be allowed by special use permit in accordance with the administrative section within two hundred (200) feet of and adjacent to any business of industrial district.

505. - SCHEDULE OF PARKING REQUIREMENTS. For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.

1. Residential Uses, as follows:

a. Single-Family Dwelling and Two-Family Dwellings. Two (2) parking spaces shall be provide for each dwelling unit. No single-family residence, shall be added to or remodeled if such addition or remodeling will decrease the existing off-steet parking spaces required by this ordinance.

b. Multiple-Family Dwellings. Two (2) parking spaces shall be provided for each one-bedroom and two-bedroom dwelling units; three (3) parking spaces for each three (3) or more bedroom dwelling units; and one (1) additional parking space for each multiple family dwelling unit within the building for guest parking plus one (1) parking space for each owner or manager and each employee.

2. Business Uses.

a. Automobile Service Stations. One (1) parking space shall be provided for each employee.

b. Bowling Alleys. Three (3) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses-bars, restaurants and the like.

c. Establishments Dispensing Food or Beverages for Consumption on the Premises. One (1) parking space shall be provided for each two hundred (200) square feet of floor area.

d. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shop. One (1) parking space shall be provided for each six hundred (600) square feet of gross floor area plus one (1) parking space for each employee.

e. High Rise Hotel and Motels, as follows:

Off-Street parking spaces for motor vehicles in the business district-hotel and motel-shall be provided in accordance with the following regulations:

Where motel services are limited to sleeping rooms, plus restaurant facilities, 1.5 parking spaces shall be provided for each sleeping room. Where motels and hotels offer meeting rooms and/or convention halls in addition to sleeping rooms and restaurant facilities, the number of parking spaces to be provided shall be equal to 1.5 parking spaces per sleeping room or one (1) space for each ten (10) persons of Fire Department rated capacity of the total convention hall, meeting room and restaurant areas, whichever shall be greater.

Hotels, containing Retail Shops, Convention Halls, Auditoriums, Exhibition Halls or Business Offices (other than accessory)--for buildings containing ten thousand (10,000) to one hundred fifty thousand (150,000) square feet of floor area, one (1) loading berth shall be provided, plus one (1) additional square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of twenty thousand (20,000) square feet of floor area shall not be less than ten (10) feet in width by fifty (50) feet in length.

f. Motels, Inns and Auto Courts. One(1) parking space shall be provided for each guest or sleeping room or suite, plus one (1) additional space for the owner or manager.

g. Offices - Business, Professional, excluding Medical or Dental, and Governmental. Three and three tenths (3.3) parking spaces per each one thousand (1,000) square feet of gross floor area.

h. Medical or Dental Clinics of Offices. Five (5) parking spaces per each one thousand (1,000) square feet of gross floor area.

i. Retail Stores and Banks. One (1) parking space shall be provided for each four hundred (400) square feet of floor area.

j. Undertaking Establishments, Funeral Parlors. Six (6) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises.

k. Dwelling Units above and in same building with businesses. 1.5 parking spaces per bedroom.

3. Industrial Uses.

a. Manufacturing Uses or any Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods or Products. One(1) parking space shall be provided for each two (2) employees, plus one (1) parking space for each vehicle used in the conduct of the enterprise.

b. Warehouses and Storage Buildings. One (1) parking space shall be provided for each two (2) employees, plus one (1) space for each vehicle used in the conduct of the enterprise.

c. Wholesale Establishments. One (1) parking space shall be provided for each six hundred (600) square feet of floor area in excess of four thousand (4,000) square feet.

4. Community Service Uses.

a. Arenas, Auditoriums (other than School), Churches, Recreational or Community Centers, and Other Similar Places of Assembly. Parking spaces equal in number to twenty-five (25) percent of the capacity in person shall be provided.

b. Hospitals. One (1) parking space shall be provided for each two (2) hospital beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.

c. Libraries -- Public. One(1) parking space shall be provided for each five hundred (500) square feet of gross floor area.

d. Private Clubs and Lodges (without sleeping facilities for guests). Parking spaces equal in number to twenty-five (25) percent of the capacity in persons shall be provided.

e. Rest Homes and Nursing Homes, Sanitariums, Convalescent Homes of Institutions for the Aged or for Children. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees, (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.

f. Schools - Nursery, Elementary and High. One (1) parking space shall be provided for each employee. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.

g. Nursery Schools, Day Nurseries and Child Care Centers. One (1) parking space shall be provided for each teacher and employee plus one (1) parking space for each ten (10) students for joint parking. Stacking spaces shall be provided off the public right-of-way for not less than ten (10) vehicles for pick-up and/or drop-off of students. Additional off-street parking and vehicle stacking spaces may be recommended by the Board of Appeals-Plan Commission as determined by the Zoning Administrator based on the design of the facility.

5. Mixed Uses. When two (2) or more uses are located on the same zoning lot within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. On parking spaces or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Zoning Board of Appeals as determined by the Zoning Administrator.

6. Other Uses. For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed uses, or as determined by the Zoning Administrator.

506. - ADDITIONAL REGULATIONS - OFF-STREET LOADING.

1. Location. All required berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons capacity shall be closer than fifty (50) feet to any property in a residence district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.

2. Size. Unless otherwise specified, a required loading berth shall be at least ten (10) feet in width by at least forty (40) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet. Loading berths may be in front where there are no alleys and in such case parkways may be included in computing the forty (40) foot depth requirement.

3. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

4. Surfacing. All open off-street loading berths shall be improved with a compacted macadam base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphaltic concrete or some comparable all-weather dustless material.

5. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business districts.

6. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

7. For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such uses -- as determined by the Zoning Administrator -- shall be provided.

8. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities off any adjacent alley, service drive, or open space on the same lot which is accessible by motor vehicle.

507. - SCHEDULE OF LOADING REQUIREMENTS. For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area of buildings of portions thereof devoted to such uses in amounts shown herein:

SCHEDULE OF LOADING REQUIREMENTS

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
a. Hospitals, sanitariums and other institutional uses.	10,000 to 200,000	1 - (12 ft. x 30 ft.)
b. Hotels, clubs and lodges, except as set forth in Item e below.	For each additional 200,000 or fraction thereof.	1 additional (12 ft. x 30 ft.)
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c. Hotels, clubs and lodges, when containing any of the following: Retail shops, convention halls, auditoriums, exhibition halls or business or professional offices (other than accessory).	10,000 to 20,000	1 - (12 ft. x 30 ft.)
	20,000 to 150,000	1 - (12 ft. x 60 ft.)
	For each additional 150,000 or fraction thereof.	1 additional (12 ft. x 50 ft.)
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d. Retail Stores	5,000 to 10,000	1 - (12 ft. x 30 ft.)
e. Establishments dispensing food or beverages for consumption on the premises.	10,000 to 15,000	2 - (12 ft. x 30 ft. ea.)
	25,000 to 40,000	2 - (12 ft. x 60 ft. ea.)
f. Motor vehicle and machinery sales.	40,000 to 100,000	3 - (12 ft. x 60 ft. ea.)
g. Wholesale establishments (but not including warehouse and storage buildings other than accessory).	For each additional 200,000 or fraction thereof.	1 additional (12 ft. x 50 ft.)
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h. Auditorium, convention halls, exhibition halls, sport arenas, stadiums.	10,000 to 20,000	1 - (12 ft. x 30 ft.)
	20,000 to 100,000	2 - (12 ft. x 30 ft. ea.)

SCHEDULE OF LOADING REQUIREMENTS

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
i. Bowling alleys.	For each additional 100,000 or fraction thereof.	1 additional (12 ft. x 60 ft.)
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j. Banks and offices -- business, professional and governmental.	10,000 to 100,000 For each additional 100,000 or fraction thereof. For each additional 500,000 or fraction thereof.	1 - (12 ft. x 30 ft.) 1 additional (12 ft. x 30 ft.) 1 additional (12 ft. x 30 ft.)
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k. Manufacturing uses or any establishments en- gaged in production, processing, cleaning, servicing, testing or repair of goods, mater- ials or products.	5,000 to 10,000 10,000 to 40,000 40,000 to 100,000	1 - (12 ft. x 60 ft.) 1 - (12 ft. x 60 ft.) 2 - (12 ft. x 60 ft. ea.)
l. Warehouses and stor- age buildings.	For each additional 100,000 or fraction thereof.	1 additional
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m. Theaters	8,000 to 25,000 For each additional 50,000 or fraction thereof.	1 - (12 ft. x 30 ft.) 1 additional (12 ft. x 30 ft.)
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n. Undertaking estab- lishments and fun- eral parlors.	8,000 to 100,000 For each additional 100,000 or fraction thereof.	1 - (12 ft. x 30 ft.) 1 additional (12 ft. x 30 ft.)

ARTICLE VI.

NONCONFORMING BUILDINGS, STRUCTURES AND USES

601. - CONTINUANCE OF USE.

1. Any lawfully established use of a building, structure 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 a legal nonconforming use and may be continued, except as otherwise provided herein.

2. Any legal, nonconforming 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.

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

602. - DISCONTINUANCE OF USE.

1. Any lawfully established use of a building, structure 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 nonconforming use and may be continued, except as otherwise provided herein.

2. Whenever a nonconforming use of a building or structure or part thereof, has been discontinued for a period of ninety (90) days or whenever there is evident clear intent on the part of the owner to abandon a nonconforming uses, such use shall not after being discontinued or abandoned be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

3. Where no enclosed building is involved, discontinuance of a nonconforming use for a period of thirty (30) days shall constitute abandonment and shall not thereafter be used in nonconforming manner.

4. A nonconforming use not authorized by the provisions of this 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.

603. - CHANGE OF NONCONFORMING USE. The nonconforming use of any building, structure or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, may be changed to another nonconforming use thereof only if such other use is permitted by a Special Use Permit as hereinafter authorized in Article VII.

604. - TERMINATION AND REMOVAL OF NONCONFORMING USES, BUILDINGS, AND STRUCTURES. The period of time during which the following nonconforming uses 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 nonconforming. Every such nonconforming use shall be completely removed from the premises at the expiration of the period of time specified below:

1. Any nonconforming use of building or structure having an assessed valuation not in excess of Five Hundred Dollars (\$500.00) on the effective date of this ordinance shall be removed after two (2) years.

2. Any nonconforming 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. All nonconforming signs, billboards and outdoor advertising structures shall be removed after a period of three years.

605. - REPAIRS AND ALTERATIONS.

1. Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

2. No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

a. When the alteration is required by law.

b. When the alteration will actually result in eliminating the nonconforming use.

c. When a building in a residential district containing residential nonconforming uses may be altered in any way to improve libability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

606. - DAMAGE AND DESTRUCTION. If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value 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 less than fifty (50) percent of its replacement value based upon prevailing costs, the building may then be 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.

607. - ADDITIONS AND ENLARGEMENTS.

1. A nonconforming 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.

2. No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

3. No nonconforming 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 zoning 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.

4. A building or structure which is nonconforming with respect to yards or any other element of bulk regulated herein shall not be altered or expanded in any manner which would increase the degree or extent of its nonconforming with respect to the bulk regulations of the district in which it is located.

608. - 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 also apply to any nonconforming uses existing therein.

609. - EXEMPTED BUILDINGS, STRUCTURES AND USES. Wherever the law fully existing building or other structure otherwise conforms to the use regulations herein but is nonconforming only in the particular manner hereinafter specified. The nonconformity in building or use thereof shall be exempt from the applicable subsection or article pertaining to the use district in which it is located.

1. In any residential district where a dwelling is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.

2. In any B-4 District, where a use permitted in the B-1 District occupies ground floor space within a multiple-family dwelling located on a corner lot.

3. In any business or manufacturing district, where the use is less distant from a residential district than that specified in the regulations for the district in which it is located.

4. In any district, where an established building, structure or use is nonconforming with respect to the standards prescribed herein for any of the following:

- a. Yards -- front, side, rear or transitional;
- b. Off-street parking or loading;
- c. Building height.

610. - CONVERSION TO SPECIAL USE. Any nonconforming use may be made a special use by the granting of a special use permit, as hereinafter authorized in Article VII.

ARTICLE VII.

ADMINISTRATION

701. - ADMINISTRATIVE OFFICER. The Zoning Administrator, as Building Commissioner, shall be in charge of the administration and enforcement of this ordinance.

1. Duties. The Zoning Administrator shall:

a. Receive applications required, issue permits and furnish certificates, all in his judgement and discretion, except as otherwise provided by ordinance.

b. Examine premises for which permits have been issued, and make necessary inspections to determine compliance.

c. When requested by the Mayor and City Council, or when the interest of the City so requires, make investigations and render written reports.

d. Issue such notices or orders as may be necessary.

e. Adopt rules and procedures within the Building Department with this ordinance.

f. Keep careful and comprehensive records of applications, permits, certificates, inspections, reports, notices, and orders, and shall file the same permanently by street address.

g. Keep all such records open to public inspection, at reasonable hours, but not for removal from his office.

h. Report to the Mayor and City Council at least once each month as to permits and certificates issued, and orders promulgated.

i. Request and receive the assistance and cooperation of the Police Department, the Legal Department, and of other City Officials.

j. Inform the Legal Department of all violations and all other matters requiring prosecution or legal action.

k. Be entitled to rely upon any opinion of the Legal Department as to the interpretation of this ordinance, or the legal application of this ordinance to any factual situation.

l. Discharge such other duties as may be placed upon him by this ordinance.

702. - ZONING CERTIFICATES.

1. No permit as required by the Building Ordinance of the City of Northlake shall be issued by the Zoning Administrator for the construction of a building, structure or land improvement or an alteration or enlargement of an existing building, structure or land improvement and the uses thereof, until the Zoning Administrator certifies in such permit that the application for a permit with accompanying plans and specifications conforms with the regulations of this ordinance.

2. When a permit is not required by the Building Ordinance of the City of Northlake for an improvement and the use thereof requiring conformance with the regulations of this ordinance, an application for a zoning certificate shall be filed with the Zoning Administrator.

3. All applications for building permits or zoning certificates shall be accompanied by a plat in duplicate drawn to scale showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Zoning Administrator. The Zoning Administrator shall in writing approve or disapprove all applications for building permits or zoning certificates within thirty (30) days after submission thereof.

703. - OCCUPANCY CERTIFICATE.

1. No building or addition thereto, constructed after the effective date of this ordinance and no addition to a previous existing building shall be occupied, and no land vacant on the effective date of this ordinance shall be used for any purpose, until an occupancy certificate has been issued by the Zoning Administrator. No change in use in any district shall be made until an occupancy certificate has been issued by the Zoning Administrator. Every occupancy certificate shall state that the use or occupancy complies with all the provisions of this ordinance.

2. Every application for a building permit shall also be deemed to be an application for an occupancy certificate. Every application for an occu-

pancy certificate for a new or changed use of land or building where no building permit is required shall be made to the Zoning Administrator.

3. No occupancy certificate for a building or addition thereto, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises have been inspected and certified by the Zoning Administrator to be in full and complete compliance with the plans and specifications upon which the zoning certificate was based. No addition to a previously existing building shall be occupied, and no new use of a building in any district shall be established until the premises have been inspected and certified by the Zoning Administrator to be in full compliance with all the applicable standards of the zoning district in which it is located. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Zoning Administrator is notified in writing that the building or premises is ready for occupancy.

704. - CERTIFICATE FOR CONTINUED OCCUPANCY OF NONCONFORMING USES. Certificated for the continued occupancy of nonconforming uses existing at the time of passage of this ordinance, or made nonconforming by this ordinance, shall state that the use is a nonconforming one and does not conform with the provisions of this ordinance. The Zoning Administrator shall notify the owners of the property being used as a nonconforming use and shall furnish said owner with a certificate of occupancy for such nonconforming use.

705. - BOARD OF APPEALS - PLAN COMMISSION.

a. Creation and Membership. The Board of Appeals - Plan Commission as previously established under the provisions of the Illinois Revised Statutes and City of Northlake Ordinance No. 0-14-80, is the Board of Appeals - Plan Commission referred to in this ordinance and from time to time will address itself to matters which appropriately come to its attention.

The members of the Board of Appeals - Plan Commission shall be appointed by the Mayor with the advice and consent of the City Council for the terms set forth in Chapter 24, Section 11-13-3(B) and the City of Northlake Ordinance No. 0-14-80.

The Mayor shall have the authority to remove any member of said Board for cause. 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 this appointment of such matter.

All meetings of the Board of Appeals - Plan Commission shall be held at the call of the chairperson and at such times as this Board may determine. All hearings conducted by this Board under this ordinance shall be in accordance with the Illinois Revised Statutes. In all proceedings of the Board of Appeals - Plan Commission provided for in this ordinance, the chairperson and in his/her absence the vice chairperson shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this ordinance shall be given

under oath. The Board of Appeals - Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every variation thereof, decision or determination of the Board of Appeals - Plan Commission under this ordinance shall be filed in the office of the City Clerk and shall be a public record. The Board of Appeals - Plan Commission shall adopt its own rules and procedures, not in conflict with this ordinance or with applicable Illinois Revised Statutes.

b. Duties and Responsibilities. When the Board of Appeals - Plan Commission discharge their duties and responsibilities under this ordinance and if the activity is appeals from any administrative order, requirement, decision or determination made by the zoning administrator under this ordinance or variation, then Section 706 shall be complied with. When the activity is amendment to the zoning ordinance (text or map), special uses including plan developments or subdivision reviews, then Section 707 shall be complied with.

706. - ZONING BOARD OF APPEALS.

a. The Board of Appeals - Plan Commission sitting as the Zoning Board of Appeals shall have the following duties under this ordinance:

1. To hear appeals from any appeal from any order, requirement, decision, or determination made by the Zoning Administrator under this ordinance;
2. To hear variations from the terms provided in this ordinance in the manner and subject to the standards set forth in this Section;
3. To hear all matters referred to it or upon which it is required to pass under this ordinance.

b. Decisions. All recommendations on matters which the Board of Appeals - Plan Commission, sitting as the Zoning Board of Appeals, is required to make, to act under this ordinance shall be forwarded to and subject to only to the City Council.

707. - PLAN COMMISSION.

a. The Board of Appeals - Plan Commission sitting as the Plan Commission shall have the following duties under this ordinance:

1. To receive from the City Clerk copies of all applications for amendments or special uses including planned developments which have been introduced to the City Council;
2. To hold public hearings on matters pertaining to application for special uses including planned developments and amendments and submit reports to the City Council setting forth its findings of fact and recommendations in the manner prescribed in this Section for special uses and amendments;

3. To initiate, direct and review from time to time, studies of the provisions of this ordinance and to make reports of its recommendations to the City Council not less frequently than once each year;

4. To hear all matters upon which it is required to pass under this ordinance.

b. Decisions. The City Council, upon report of the Plan Commission and without further public hearing, may grant or deny a proposed amendment in accordance with applicable statutes of the State of Illinois, or may refer it back to the Plan Commission for further consideration.

708. - APPEALS.

a. Procedures. The Board of Appeals - Plan Commission sitting as the Zoning Board of Appeals shall hear and recommend to the City Council any appeals from any administrative order, requirement, decision or determination made by the Zoning Administrator under this ordinance.

1. Initiations and Processing. An appeal may be taken to the Board of Appeals - Plan Commission by any person, firm or corporation, or by any office, department, board, bureau or commission, aggrieved by an administrative order, requirement, decision or determination under this ordinance.

The appeal shall be taken within such time as shall be prescribed by the Board of Appeals - Plan Commission by a general rule by filing with the City Clerk and with the Board of Appeals - Plan Commission, a notice of appeal specifying the grounds thereof. Such appeal shall be taken upon forms provided by the Board of Appeals - Plan Commission. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

2. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board of Appeals - Plan Commission, after the notice of appeal has been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals - Plan Commission or by a court of record on application and on notice to the office from whom the appeal is taken, and on the causes shown.

3. Hearing. The Board of Appeals - Plan Commission shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time upon the hearing. Any party may appear in person or by agent or attorney. The Board of Appeals - Plan Commission may recommend to the City Council that they reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end has all the powers of the office from whom the appeal is taken.

4. Decisions. All decisions, after hearing of the Board of Appeals - Plan Commission on appeals from an administrative order, requirement, decision or determination of the zoning administrator as recommended to and decided by the City Council may in all instances be final administrative determinations and shall be subject to judicial review only in accordance with applicable Illinois statutes.

709. - VARIATIONS.

a. Authority. The Board of Appeals - Plan Commission sitting as the Zoning Board of Appeals may hear applications for variations of the provisions of this ordinance in harmony with its general purpose and intent, and shall recommend to the City Council only in the specific instances hereinafter set forth where the Board of Appeals - Plan Commission may have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this ordinance.

b. Initiation. An application for a variation may be made by any person, firm, or corporation, or by any office, department, board, bureau or commission requesting or intending to request application for a building permit, zoning certificate or occupancy certificate.

c. Notice to Adjacent Owners. An applicant for amendment or variation shall, not more than thirty (30) days before filing an application for amendment or variation with the City Clerk, serve written notice, either in person or by certified mail, return receipt requested, on the owners of all property within two hundred fifty (250) feet in any direction of the location for which the amendment or variation is requested; provided the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the two hundred fifty (250) feet requirement. Such list shall be supplied by the City Clerk of the City of Northlake.

The notice herein required shall contain the address of the location for which the amendment or variation is requested, a brief statement that the applicant intends to file an application for amendment or variation, the nature of the amendment or variation and the approximate date on which the application will be filed. If, after a bonafide effort to determine such address by the applicant for amendment or variation, the owner of the property on which the notice is to be served cannot be found at his last known address, or the mailed notice is returned because the owner cannot be found at the last known address, the notice requirements of this subsection shall be deemed satisfied.

In addition to serving the notice herein required, at the time of filing application for amendment or variation, the applicant shall furnish to the City Clerk a complete list containing the names and last known addresses of the owners of the property served, the method of service and the names and addresses of the persons so served. The applicant shall also furnish a written statement certifying that he has complied with the requirements of this section.

The Board of Appeals - Plan Commission sitting as the Zoning Board of Appeals, shall hear no application for amendment or variation unless the applicant for amendment or variation furnishes the list and certificate herein required. The Board of Appeals - Plan Commission shall,

not more than thirty (30) days nor less than fifteen (15) days before the hearing at which the application for amendment or variation is to be considered, send written notice to the persons appearing on the list furnished by the applicant, which notice shall contain the time and place of the hearing, the address of the location for which the amendment or variation is requested, the address of the applicant for amendment or variation and a brief statement of the nature of the amendment or variation requested.

d. Processing. An application for a variation shall be filed with the City Clerk. The City Clerk, within thirty (30) days of filing or application, shall forward such application to the Board of Appeals - Plan Commission for processing in accordance with the applicable statutes of the State of Illinois and the provisions of this ordinance.

No variation shall be recommended by the Board of Appeals - Plan Commission except after a public hearing before the Board of Appeals - Plan Commission, of which there shall be a notice of time and place of the hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one (1) or more newspapers with a general circulation within the City of Northlake; and a written notice as provided in Subsection C. above is served at least fifteen (15) days before the hearing on the owners of the properties located adjacent to the location for which the variation is requested.

e. Standards.

1. The Board of Appeals - Plan Commission shall not recommend variation of the provisions of this ordinance to the City Council unless it shall have made findings based upon the evidence presented to it in the following cases:

(a) 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;

(b) That the plight of the owner is due to unique circumstances; and

(c) That the variation, if granted, will not alter the essential character of the locality.

2. A variation shall be recommended only if the evidence, in the judgement of the Board of Appeals - Plan Commission, sustains the conditions enumerated above.

3. For the purpose of supplementing the above standards, the Board of Appeals - Plan Commission, in recommending this determination whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have established by the evidence:

(a) That the particular physical surroundings, shape or topographical conditions of the specific property involved will 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;

(b) That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoned classification;

(c) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

(d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

(e) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; or

(f) That 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.

4. The Board of Appeals - Plan Commission may require 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 effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

f. Vote Required. The concurring vote of four (4) members of the Board of Appeals - Plan Commission shall be necessary to recommend any variation to the City Council.

g. Action by City Council. All decisions and findings upon variations arrived at after hearing shall in all instances be referred to the City Council with a report (containing findings of fact) and recommendations. The power to determine and approve variations is hereby reserved to the City Council. The City Council, after receiving the report and recommendation of the Board of Appeals - Plan Commission, and without further public hearing may adopt by ordinance any proposed variation or may refer it back to the Board for further consideration and any proposed variation which fails to receive the approval of the Board of Appeals - Plan Commission shall not be approved by the City Council except by the favorable vote of two-thirds (2/3) of the City Council consisting of all the aldermen.

710. - AMENDMENTS.

a. Authority. The regulations imposed and the districts created under the authority of this ordinance may be amended from time to time by ordinance in accordance with applicable statutes of the State of

Illinois. An amendment shall be made, granted or denied by the City Council.

b. Initiation of Amendment. Amendments may be proposed by City Council, the Board of Appeals - Plan Commission, other governmental bodies, or by any resident or owner of property within the jurisdictional limits of this ordinance.

c. Notice to Adjacent Owners. The notice provisions of Section 709, Subsection C., shall apply to all applications for amendments.

d. Processing. An application for amendment shall be filed with the City Council and thereafter introduced into the City Council. Such application shall be forwarded from the City Council to the Board of Appeals - Plan Commission to hold a public hearing. Notice shall be given of the time and place of the hearing, not more than thirty (30) nor less than fifteen (15) days before the hearing, by publishing a notice thereof at least once in one (1) or more newspapers with a general circulation within the City of Northlake.

e. Action by the City Council.

1. The City Council shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Board of Appeals - Plan Commission on the proposed amendment.

2. The City Council may grant or deny any application for an amendment, provided, however, that in case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom; or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the City or if the Board of Appeals - Plan Commission has recommended against such amendment, the amendment shall not be passed, except by a favorable vote of two-thirds (2/3) of all members of the City Council of the City of Northlake, then holding office. In such cases a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

3. If an application for a proposed amendment is not acted upon finally by the City Council within ninety (90) days of the date the Council receives the Board of Appeals - Plan Commission's Appeals recommendations, and such time is not extended by mutual consent of the City Council and petitioner, it shall be deemed to have been denied.

f. Effect of Denial of Amendment. No application for a map amendment which has been denied by the City Council shall be resubmitted for

a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition(s) found to be valid by the Board of Appeals - Plan Commission and the City Council.

g. Repeal of Amendment. In any case where a change of boundary lines of the zoning district map has been granted, and where no development has taken place within two (2) years, the Board of Appeals - Plan Commission may recommend to the City Council that such zoning be affirmed or repealed and rezoned to its most appropriate district classification in accordance with the procedures under this ordinance.

711. - SPECIAL USES.

a. Purpose. The development and execution of the Zoning Ordinance is based upon the division of the City into districts, within any one (1) of which the use of land and buildings and structures, as related to the land, are essentially uniform. It is recognized, however, that there are Special Uses which because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use at the particular location. Such Special Uses fall into two categories:

1. Uses operated by a public agency or publicly regulated utilities or uses traditionally affected with a public interest.

2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect of their impact upon neighboring property or public facilities.

b. Authority. Special uses shall be authorized or denied by the City Council in accordance with the Illinois Revised Statutes as amended, and the regulations and conditions set forth in this ordinance for Special Uses.

c. Initiation of Special Use. Special Uses may be proposed in the manner prescribed for applications for amendments by any person, firm, or corporation with a proprietary interest in the subject property requesting, or intending to request a zoning certificate.

d. Standards. No Special Use shall be granted by the Mayor and the City Council unless the Special Use:

1. Is deemed necessary for the public convenience at the location;

2. Is so designated, located and proposed to be operated that the public health, safety and welfare will be protected;

3. will not cause substantial injury to the value of other property in the neighborhood in which it is located; and has been recommended by the Board of Appeals - Plan Commission and/or Zoning Administrator and approved by the Mayor and the City Council, and conforms, except in the case of a planned development, to the applicable regulations of the district in which it is located.

e. Hearing. Within thirty (30) days of receipt by the City Clerk of all required application information and payment of any required fees, the Board of Appeals - Plan Commission shall hold a public hearing on such application at a time and place as shall be established by legal notice of hearing by the Chairperson. The hearing shall be conducted and a transcript of the proceedings shall be preserved in accordance with rules prescribed by the Board of Appeals - Plan Commission.

f. Notice of Hearing. Notice of time and place of the hearing shall be published at least once in a local newspaper not more than thirty (30) nor less than fifteen (15) days before such hearing. The applicant shall mail notice to all owners of property located within two hundred fifty (250) feet exclusive of public right-of-way from the boundaries of subject property by certified mail, return receipt requested; evidence of mailing of such notices shall be by the petitioner submitting a certificate listing the names and addresses of all taxpayers of property within said two hundred fifty (250) feet and affidavit that the notice was mailed in compliance with the provisions hereof to said owners. Such notices shall be mailed not less than fifteen (15) days prior to the public hearing date. Proof of mailing shall be submitted to the Zoning Administrator not less than seven (7) days prior to the scheduled hearing date. If the foregoing requirements providing for mailed notice of hearing and publication are not complied with in the time frame set forth, the public hearing shall be cancelled and the applicant shall be required to pay an additional filing fee if the hearing is to be rescheduled.

Additionally, any area for which an individual application for a change in zoning classification is being considered, shall be posted for at least fifteen (15) days prior to the public hearing. The posted notice shall be a minimum of eight (8) square feet in area, prominently situated on the property so as to be visible from the nearest street or public way, or as otherwise prescribed by the Zoning Administrator and shall indicate the present zoning classification, the proposed zoning classification, the time and place of public hearing, and any other information prescribed by the Zoning Administrator. Posted notices shall be removed from the subject area within fifteen (15) days after the public hearing has been held.

g. Findings of Fact and Recommendations. The Board of Appeals - Plan Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council within sixty (60) days following the date of public hearing on each application, unless said application is withdrawn or tabled by the petitioner.

1. The Board of Appeals - Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following:

(a) Compatibility with surrounding land uses and the general area;

(b) The zoning classification of property with the general area of the property in question;

(c) The suitability of the subject property to the uses permitted under the existing zoning classification;

(d) The trend of development if any, in the general area of the subject property, including recent changes, if any, which have taken place in its zoning classification; and

(e) The relationship of the existing zoning classification to the Official Comprehensive Plan of Northlake.

2. The Board of Appeals - Plan Commission shall not recommend the approval of a proposed Special Use unless it finds that:

(a) The approval of such Special Use is in the public interest and not solely for the interest of the applicant, and

(b) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community; and

(c) That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity; and

(d) That the proposed use will comply with the regulations and conditions specified in this ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the City Council.

h. Conditions of Special Uses. The Board of Appeals - Plan Commission may recommend and the Mayor and City Council may approve, such conditions and restrictions upon the construction, location, and operation of a Special Use, including, but not limited to, provisions for off-street parking and loading, landscaping, screening and yard requirements, as may be deemed necessary to promote the general objectives of this ordinance and to minimize any potential injury to the value or use of property in the neighborhood.

i. Action by the City Council.

1. The City Council shall not act upon proposed Special Use until it shall have received a written report and recommendations from the Board of Appeals - Plan Commission on the proposed Special Use.

2. The City Council may grant or deny any application for Special Use, provided, however, that in case of a written protest against any

proposed Special Use signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom; or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the City, or if the Board of Appeals - Plan Commission has recommended against such Special Use, the Special Use shall not be passed, except by a favorable vote of two-thirds (2/3) of all members of the City Council of the City of Northlake.

3. If an application for a proposed Special Use is not acted upon finally by the City Council within ninety (90) days of the date the Board receives the Board of Appeals - Plan Commission's recommendations, and such time is not extended by mutual consent of the City Council and petitioner, it shall be deemed to have been denied.

j. Effect of Denial of Special Use. No application for Special Use which has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Appeals - Plan Commission and the City Council.

k. Repeal of Special Use. In any case where a Special Use has been granted, and where no development has taken place within two (2) years, the Board of Appeals - Plan Commission may recommend to the City Council that such zoning be affirmed or repealed to its most appropriate zoned district classification in accordance with the procedures under this ordinance.

712. - SPECIAL USE - PLANNED DEVELOPMENT.

a. Purpose. To encourage the most orderly development of the properties through advance planning and thus assure adequate standards for the development of residential neighborhoods; provide regulations to encourage a variety of dwelling types; ensure adequate open space; provide for improved development design; protect residential areas from undue traffic congestion, protect residential areas from the intrusion of business, industrial and other land uses that may create an adverse effect upon the living environment; and thus, promote the general welfare of the community.

To promote the cooperative development of business or commercial centers each with adequate off-street parking, to control access points on thoroughfares, to separate pedestrian and automobile traffic, to aid in stabilizing property values to develop centers of size and location compatible with the market potential, to buffer adjacent residential areas with landscaped green spaces and to encourage harmonious architecture between adjacent commercial structures and between home and commercial structures.

b. Provisions. The basic provisions and requirements concerning planned development are as follows: the subdivision, development and use of land containing three (3) or more acres as an integral unit,

combining one (1) or more primary land uses, and which may provide for, but are not limited to single-family residential, multiple-family residential, education, business, commercial, industrial, recreational, park and public use areas may be described as a Planned Development (also refer to Definitions, Section 202.).

1. In its establishment and authorization as a Special Use, in addition to the foregoing provisions, the following procedures, requirements, restrictions, standards and conditions shall be observed.

2. The planned development may be exempted from the provisions of the Subdivision Regulations and of the Zoning Ordinance of the City of Northlake to the extent specified in the final authorization of the planned development's Special Use Ordinance.

c. Procedure.

1. Pre-Application Conference. A pre-application conference shall be held with the Board of Appeals - Plan Commission prior to filing a formal application. At such conference, the applicant shall provide information as to the location of the proposed planned development, the uses, and approximate area of use for each use category; topographic map at five (5) foot contours; a list of any and all exceptions to the Subdivision Regulations and Zoning Ordinance of Northlake, and any other information necessary to clearly explain the planned development to the Board of Appeals - Plan Commission.

2. The Board of Appeals - Plan Commission shall review and consider the proposed plan as to its compatibility with the Official Comprehensive Plan and the goals and policies for planning of the City of Northlake and advise the applicant on the information, documents, exhibits, drawings, and any limitations on the proposal that should be included in the application to the City for a Special Use Permit for Planned Development.

d. Preliminary Plan. Application for approval of a planned development shall be filed with the City Clerk on a form provided by the City Clerk accompanied by such information prescribed by the Board of Appeals - Plan Commission. Copies of such application shall be forwarded by the City Council to the Board of Appeals - Plan Commission with a request to hold a public hearing thereon. The application shall include at a minimum:

1. The map or maps which shall be included as part of the application shall be drawn at a scale of one hundred (100) feet to the inch (1"=100'), or if the area of the site is more than two hundred (200) acres, two hundred (200) feet to the inch (1"=200'). The following information shall be shown:

(a) Boundary Survey. A boundary line survey of the subject site which shall be prepared and certified by a registered land surveyor.

(b) Topography. The existing topographic character of the land with contours shown at intervals no greater than two (2) feet. Topographic date shall refer to the U.S.G.S. North American Datum - Mean Sea Level Elevation.

(c) A preliminary plan of subdivision if the proposed planned development constitutes a subdivision as defined by the City of Northlake Subdivision Regulations. All preliminary subdivision plans shall conform to all requirements of the Northlake Subdivision Regulations; on such plan shall state expressly on its face any modifications from such requirements specifically requested by the applicant. A subdivision plan may be processed simultaneously with an application for a planned development.

(d) Site Analysis. A detailed site analysis of the property in question, which shall show the following information:

(1) Physical factors information:

- (a) Existing land uses both on the site and adjacent to it,
- (b) Scenic views,
- (c) Wooded areas,
- (d) Soil problem areas based upon a soil survey of the site to include a report from the Soil Conservation Service. Additional soil information may be requested by the Board of Appeals - Plan Commission and/or the City Engineer,
- (e) Portions of the site in any floodway and/or flood plain fringe area,
- (f) Streams, drainage ditches, culverts and standing water,
- (g) Isolated preservable trees six (6) inches or more in diameter at one (1) foot above ground level, and
- (h) General directions of the stormwater run-off across the property.

(2) Public utilities information which shall show the location and size of any existing sanitary sewers, storm sewers, gas, electric, telephone, and water lines both on the site and in easements and rights-of-way on/or adjacent to the site.

(3) Other Information:

- (a) Existing county and/or municipal zoning on all parts of the site and on adjacent properties.
- (b) Municipal corporate boundaries across and adjacent to the subject site;
- (c) School district boundaries across and adjacent to subject site, and
- (d) Easements (location, width, and purpose) across and adjacent to the subject site.

(e) Land Use Plan. A proposed land use plan which shall be drawn upon a print of the topographic map for the site. The proposed land use plan shall contain the following information:

(1) Identification and description:

- (a) Name of the planned development;
- (b) Location of the subject site by section, town and range or by other approved legal description;
- (c) Name and address of the site planner and/or engineer;
- (d) Name and address of the owner and/or trust beneficiary or developer;
- (e) Scale, northpoint and date of preparation, and
- (f) Acreage.

(2) Design features information, which shall show:

(a) Right-of-way alignments, widths, and names of all streets. Such street names shall not duplicate the name of any street heretofore used in the City or its environs unless such street is an extension of or is in line with an already named street in which event that name shall be used;

(b) The location and height of all non-residential (by use), multi-family, or single-family attached buildings and structures:

(c) Off-street parking and service areas;

(d) All areas to be dedicated as common open space and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses;

(e) The pedestrian circulation system, any parkway belt system, or bicycle circulation system; and

(f) All other information necessary to clearly show the proposed elements of the planned development.

(f) Utility Plan. A proposed utility plan which shall be drawn on a print of the proposed land use plan. The proposed utility plan shall show the approximate location and dimensions of all sanitary sewers, storm drainage ditches, culverts, and water retention areas, as well as any utility easements. The utility plan shall be accompanied by a statement from the City Engineer attesting to the capability of existing sewer systems to service the proposed development.

(g) A written statement signed by the applicant outlining and describing in such detail as the applicant deems appropriate, the arrangement by which the applicant proposes to regulate land use and otherwise insure development of the proposed planned development in accordance with the approval of the Board of Appeals - Plan Commission and City Council. Such statement shall include a draft

of proposed covenants intended to be filed in the office of the Recorder of Deeds of Cook County prior to disposition of any land in the planned development (which covenants shall include adequate provisions to assure proper maintenance and repair of all areas and facilities under common ownership, including the payment therefore, and enforceability thereof by, or on behalf of the City), proposed Charter and By-Laws of an association, if any, for homeowners, merchants, or industrial owners within the proposed development.

(h) If a shopping center development is planned, adequate evidence to establish the need for and feasibility of such development shall be provided. This evidence may be in the form of a market research report or other information which is deemed appropriate by the Board of Appeals - Plan Commission.

(i) Preliminary engineering plans for all public or private support facilities including roads, sidewalks, drainage, sanitary sewers, water supply, lighting and landscaping.

2. The written statement which shall be included as part of the application for approval of the Preliminary Plan shall contain the following information:

(a) A statistical tabulation of the acreage amounts of all of the land uses proposed in the Preliminary Plan;

(b) The type and number of dwelling units and buildings for any proposed residential land uses;

(c) The stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin and to end, with emphasis on area density, use and public facilities, such as open space, to be developed in each stage.

3. Other information may be requested if the Board of Appeals - Plan Commission finds that the planned development may create special problems for traffic, parking, landscaping, and/or economic feasibility. Such information may include, but is not limited to, any of the following:

(a) An off-street parking and loading plan;

(b) A traffic study indicating the volume of traffic to be generated by the planned development or a phase of it and proposing any special engineering design features and/or traffic regulation devices needed to insure the proper safety of traffic circulation to, through, and around the planned development or a phase of it;

(c) Economic impact - a tax impact study detailing the impact which the planned development will have upon all taxing bodies. In addition, the expected number of students to be generated by any residential portion of it shall also be quantified in accordance with the City Subdivision Regulations, and

(d) A landscape planting plan, indicating the height, size, location, quantities and variety of stock to be planted, using botanical and common names.

4. The procedure for the public hearing on the Preliminary Plan shall be as follows:

(a) The City Council shall refer the Preliminary Plan to the Northlake Board of Appeals - Plan Commission. The City Council shall instruct the appropriate City Departments and consultants to collaborate with the Board of Appeals - Plan Commission in reviewing the Preliminary Plan for the planned development for its compliance with these regulations and other ordinances of the City of Northlake. Such collaboration may include meetings at which the developer shall meet with City officials and consultants in order that the Board of Appeals - Plan Commission may have, prior to its public hearing, the informal recommendations of its experts.

(b) The Board of Appeals - Plan Commission and the City Council may utilize the services of the professional City consultants in arriving at recommendations or decisions. The applicant shall pay the City the reasonable cost incurred for the services rendered by its consultants within ten (10) days after the submission of the bill to the City from the consultant. The consultants shall bill for their services at the same hourly rate which they normally charge municipal clients. The City consultants shall include but not be limited to the persons who provide the City with advice in the fields of engineering, law, planning, traffic, design and finance.

(c) Within forty-five (45) days of receipt by the Zoning Administrator of all required application information and payment of any required fees, the Board of Appeals - Plan Commission shall hold a public hearing on such application at a time and place as shall be established by legal notice of hearing by the Chairperson. The hearing shall be conducted and a transcript of the proceedings shall be preserved in accordance with rules prescribed by the Board of Appeals - Plan Commission.

Notice of the time and place of such public hearing shall be published at least once in one (1) or more newspapers with a general circulation within Northlake and also by mailing notice thereof to the parties in interest, including those mentioned in the following paragraph, said publication and mailing to be made not more than thirty (30) nor less than fifteen (15) days before the date of the hearing.

The applicant shall submit a list of the names and addresses of all owners of contiguous property, as recorded in the office of the Recorder of Deeds as appears from the authentic tax records of Cook County. All public roads, streets, alleys, and other public ways shall be excluded in determining which property is contiguous to the location for which the amendment is requested. No application for amendment shall be heard unless the applicant furnishes the list herein required. Any homeowner's group who has filed a written request to receive notices of any public hearing with the Zoning Administrator shall be entitled to receive such notice.

Additionally any area for which an individual application for a change in zoning classification is being considered, shall be posted for at least fifteen (15) days prior to the public hearing. The posted notices shall be in number, size and location as prescribed by the Zoning Administrator and shall indicate the present zoning classification, the proposed zoning classification, the time and place of public hearing, and any other information prescribed by the Zoning Administrator. Posted notices shall be removed from the subject area within fifteen (15) days after the public hearing has been held.

5. The Board of Appeals - Plan Commission shall proceed as quickly as possible in its review of the Preliminary Plan. Within no more than sixty (60) days after the final adjournment of the public hearing, the Board of Appeals - Plan Commission shall:

(a) Approve or disapprove the Preliminary Plan and shall submit its written recommendations, which may include the recommendations of the City Engineer, City Planner, and/or City Attorney, to the City Council, with a copy being sent to the applicant; or

(b) Advise the applicant in writing if the Board of Appeals - Plan Commission finds that changes, additions, or corrections are required in the Preliminary Plan. The applicant shall re-submit ten (10) copies of the revised preliminary plan for consideration of the Board of Appeals - Plan Commission at a continuation of or a new public hearing. The applicant shall do so without paying an additional filing fee. The Board of Appeals - Plan Commission shall submit its recommendations in writing to the City Council, which may also include the recommendations of the City Engineer, City Planner and/or City Attorney, with a copy also being sent to the applicant.

(c) Changes in an application for a planned development initiated by the petitioner shall require an additional filing fee.

6. The City Council shall accept or reject the Preliminary Plan within sixty (60) days after its next regular meeting following the receipt of the written recommendations of the Board of Appeals - Plan Commission. The applicant and the City Council may mutually agree to extend the sixty (60) day period. The City Council may require such special conditions in the approval of the Preliminary Plan, as it may deem necessary to insure conformity with the intent of all comprehensive plan elements and the stated purposes of the planned development;

(a) If the Preliminary Plan is disapproved, the City Council shall state in writing the reasons for the disapproval, and such writing, shall be filed with the City Clerk, and a copy shall be sent to the applicant.

(b) If the Preliminary Plan is approved, the City Council shall authorize the applicant to submit a final development plan for the planned development.

(c) Upon approval by the City Council of the Preliminary Plan by Resolution, a record shall be prepared including findings of fact and setting forth the terms of relief and/or variances granted from existing ordinances. The final plan shall be approved as the final land use and zoning plan if it conforms with the Preliminary Plan. The preliminary and final plans may be filed and approved simultaneously, if all requirements hereof are met.

(d) Approval of a Preliminary Planned Development Plan shall not constitute approval of the final plan, rather it shall be deemed an expression of approval of the layout submitted on the Preliminary Plan as a guide to the preparation of the final plan or plans. No building permit shall be issued for any structure until a final planned development plan has been filed and approved.

(e) The final plan or plans shall be submitted by the developer not later than one (1) year (or such additional time, as may be authorized by resolution of the City Council), after approval of the preliminary plan, for approval by the corporate authorities of the City and subsequent recording upon the fulfillment of the requirements of these regulations and conditions, if any, of the preliminary approval.

(f) The City Council shall notify the Board of Appeals - Plan Commission and the applicant of its action.

e. Final Development Plan. Within one (1) year following the approval of the Preliminary Development Plan, the applicant shall file with the Board of Appeals - Plan Commission a final development plan containing in final form the information required in the Preliminary Plan.

The final plan of the planned development shall conform to the Preliminary Plan as approved, and if desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved Preliminary Plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations.

1. The final development plan shall include the following:

(a) The final plan and supporting data shall be filed with the Zoning Administrator and forwarded to the Board of Appeals - Plan Commission for certification that the final plan is in conformity with these regulations and in agreement with the approved Preliminary Plan.

The Final Land Use Plan shall be suitable for recording with the appropriate County Recorder of Deeds. The purpose of the final development plan is to designate the land subdivided into lots as well as the division of other lands not so treated, into common open areas and building areas and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.

(b) An accurate legal description of the entire area under immediate development within the planned development.

(c) If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat, including easements, rights-of-way, and dedication of open space and public areas, to the extent that compliance with the subdivision regulations of the City shall be required.

(d) An accurate legal description of each separate unsubdivided use area, including common open space.

(e) A Final Site Plan of the planned development shall be filed indicating the locations and uses of all buildings, all parking and loading spaces, and any other special structure, facility, or feature approved or required by the City Council.

(f) Certificates, seals and signatures required for the dedication of land, and recording the document.

(g) Tabulations of each separate use area, including land area and number of dwelling units per gross acre, percentage of open space, and acres in rights-of-way.

(h) Landscape plan.

(i) Utilities and drainage plan.

(j) The final version of the covenants, if any, by which the applicant proposes to regulate land use and otherwise protect the proposed development accompanied by the written representation and warranty of the applicant, in form and substance satisfactory to the City Attorney, to the effect that the owner of the real property which is the subject of the proposed planned development has not sold or otherwise disposed of any interest in said property and will not sell, or otherwise dispose of any such interest, prior to the filing for record of said covenants in the office of the Recorder of Deeds in the appropriate counties.

(k) Such deeds or easement agreements, by-laws or provisions, if any, as are required or approved by the City Council, shall be filed in form and substance approved by the City Attorney, conveying a suitable ownership interest in the parcels within the proposed planned development which are to be subject to public or common ownership.

(l) Filing a copy of the Articles of Incorporation of the home-owners', merchants', or industrial owners' association, if any, required or approved by the City Council certified by the Secretary of State of Illinois, not more than thirty (30) days prior to the filing of the final plan; a certificate of good standing for such corporation issued by the Secretary of State of the State of Illinois, as of a date not more than thirty (30) days prior to the filing of such final plan; and a copy of the by-laws of such corporation certified by the Secretary thereof as being a true, correct and complete copy of such by-laws, as of a date not more than thirty (30) days prior to the filing of such final plan.

- (m) Final development and construction schedule.
- (n) Final architectural plans.
- (o) Final engineering drawings.

2. All public facilities and improvements made necessary as a result of the planned development shall be either constructed in advance of the approval of the final plan, or at the election of the City, escrow deposits or irrevocable letters of credit in a form approved by the City Attorney, shall be delivered to the City to guarantee construction of the required improvements.

3. All common open space, at the election of the City, shall be:

(a) Conveyed to a municipal or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned development or adjoining property owners or any one (1) or more or them; or

(b) Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the planned development or adjoining property owners and/or both.

4. The Final Development Plan shall be approved as follows:

(a) The Board of Appeals - Plan Commission shall review the Final Development Plan within forty-five (45) days of its submission and shall recommend approval if it is in substantial compliance with the preliminary development plan. The Board of Appeals - Plan Commission shall certify to the City Council that the final development plan is in conformity with the previously approved Preliminary Development Plan.

(b) If the final plan is substantially changed from the approved Preliminary Plan, the Board of Appeals - Plan Commission shall recommend to the City Council that a new public hearing be held in conformance with the procedures for approval of a Preliminary Plan.

(c) The City Council after receipt of the recommendations of the Board of Appeals - Plan Commission shall itself review the final development plan and shall, if it is in conformity with the Preliminary Development Plan, authorize issuance of the Special Use. If the Final Development Plan is held not to be in conformity with the Preliminary Plan, the City Council shall inform the applicant in writing with regard to the specific areas found to be not in compliance.

(d) Approval by the City Council of the final plan for any proposed planned development shall be effective only for a period of sixty (60) days after the date of such approval unless, within such

sixty (60) day period, the applicant shall record or cause the recordation of the final plan including any final subdivision plat, the final restrictive covenants, and the deeds and/or easement agreement required or approved by the City Council, in the office of the Recorder of Deeds of the appropriate counties.

f. Changes and Modification of the Planned Development After Approval of the Final Plan.

1. After the approval of the Final Plan the use of land and the construction, modification, or alteration of any buildings or structures within the planned development will be governed by the approved Final Plan, rather than by any other provisions of the Zoning Ordinance of the City.

2. No changes may be made in the approved Final Plan except upon application to the appropriate agency according to the following procedures:

(a) During the construction of the planned development, the procedure shall be as follows:

(1) Minor changes, which do not change the concept or intent of the development, including the location, siting, and height of buildings and structures and in the location of streets and ways of public access and in the size and location of open space, may be authorized by the Board of Appeals - Plan Commission as required by engineering or other circumstances not foreseen at the time that the final plat was approved.

(2) All changes in land uses and density, any re-arrangement of lots, blocks, and building tracts, any major changes in the provisions for common open space and all other changes in approved Final Plan shall be made by the City Council, under the procedures authorized by the Zoning Ordinance for an amendment to the zoning map.

(3) Any changes which are approved for the Final Plat shall be recorded as amendments to the recorded copy of the final plat. If changes are allowed in a final site plan, a new site plan reflecting such changes shall be filed with the City and the appropriate counties.

(4) The Board of Appeals - Plan Commission shall consider the planned development subject to revocation if construction falls more than one (1) year behind the schedule filed with the final plan, or exceeds five (5) years. The developer shall be notified at least sixty (60) days prior to any revocation hearing authorized by the City Council. Extensions in the building schedule may be recommended by the Board of Appeals - Plan Commission and granted by the City Council.

(b) After the completion of the construction of the Planned Development, the procedure shall be as follows:

(1) Any minor extension, alterations, or modifications of existing buildings or structures may be recommended by the Board of Appeals - Plan Commission if they are consistent with the purpose and intent of the Final Plat.

(2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Plat unless an amendment to the Final Plat is approved following the procedures for the amendment of the zoning map.

(3) All other changes in the Final Plat shall be made by the City Council, under the procedure authorized by the Zoning Ordinance for the amendment of the zoning map. No changes may be made in the Final Plat unless they are required for the continued successful functioning of the planned development, or unless they are required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City.

g. Standards. No planned development shall be authorized unless the Board of Appeals - Plan Commission shall find and recommend, in addition to those standards established herein for Special Uses, that the following standards shall be met:

1. General.

(a) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.

(b) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.

(c) That any industrial park areas established in the planned development conform to all requirements therefore as set forth elsewhere in this Ordinance.

(d) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the planned development shall be subject to the requirements for each individual classification as established elsewhere in this ordinance, except as may be specifically varied in the ordinance granting and establishing a planned development use.

(e) When private streets and common driveways are made a part of the planned development or private common open space or recreation facilities are provided, the applicant shall submit, as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the City Council.

(f) That any bulk exceptions shall be solely for the purpose of promoting an integrated site plan more beneficial to the residents or occupants of such development as well as the neighboring property, that would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots.

2. Residential.

(a) Residential density for a planned development shall not be greater than the recommended density, as shown in the Zoning Ordinance for the City, nor shall any lot to be used for residential purposes be less in area or dimension than that required by the district regulations applicable to the district in which the planned development is located except that the Board of Appeals - Plan Commission may recommend and the City Council may grant a reduction in such lot area and dimension, but not more than fifteen percent (15%) when the planned development provides common open space equal to not less than fifteen percent (15%) of the gross area of the planned development.

(b) Business uses may be included as part of a planned residential development when the Board of Appeals - Plan Commission finds that such business uses are beneficial to the overall planned development and will not be injurious to adjacent or neighboring properties. Such business uses shall not be greater in area than ten percent (10%) of the planned development.

(c) The open areas provided in the part of the planned development containing only residential structures shall be preserved over the life of the planned development for use only by the residents of the planned development or dedicated to a local government.

(d) For that part of a planned development devoted to residential uses, the Board of Appeals - Plan Commission may recommend and the City Council may approve, access to a dwelling by a driveway or pedestrian walk easement, and spacing between buildings of lesser width or depth than required by district regulations for the district in which the planned development is located, provided:

(1) That adequate provisions are made which perpetuate during the period of the special use, access easements and off-street parking spaces for use by the residents of the dwellings served;

(2) The spacing between buildings shall be approved by the Board of Appeals - Plan Commission and shall be consistent with the application of recognized site planning principles for securing a unified development, and due consideration is given to the openness normally afforded by intervening streets and alleys;

(3) The yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district regulations applicable to the districts in which the planned development is located; and the plan is developed to afford adequate protection to neighboring properties as recommended by the Board of Appeals - Plan Commission and approved by the City Council.

3. Cluster Subdivision. In any single-family cluster subdivision, the Board of Appeals - Plan Commission may recommend and the City Council may authorize the following exceptions to the regulations of the district in which cluster subdivision is permitted as a Special Use:

(a) A reduction of the lot area by not more than fifteen percent (15%), when the planned development provides common open space equal to not less than fifteen percent (15%) of the gross area of the planned development, and in no case shall the lot area be less than five thousand (5,000) square feet.

(b) A reduction of the lot width by not more than fifteen percent (15%), but in no case shall the lot width be less than forty-five (45) feet.

(c) That in the part of the planned development containing only residential uses, the minimum lot area per dwelling unit may be not more than fifteen percent (15%) less than that required for permitted uses in the district regulations applicable to the district in which the planned development is located.

Reduction of such lot area shall be recommended by the Board of Appeals - Plan Commission and approved by the City Council only where there is contained within the planned development permanent open area, the area and location of which shall meet with the approval of the Board of Appeals - Plan Commission, and that such open space shall not be less than that which would pertain if developed on individual lots.

Such open area shall be preserved over the life of the planned development, for use only by the residents of the planned development or dedicated to the City of Northlake for school, park, playground or other public open space uses; and

(d) That in a planned development devoted to residential uses, the Board of Appeals - Plan Commission may recommend and the City Council may approve: access to a dwelling by a driveway or pedestrian walk easement, however, off-street parking facilities for such dwellings shall be located not more than two hundred (200) feet from the dwelling served; yards of lesser width or depth than required for permitted uses in the district regulations applicable to the district in which the planned development is located; provided,

(1) That protective covenants are recorded which perpetuate access easements and off-street parking spaces for use by the residents of the dwellings served;

(2) Spacing between principal buildings within a part of a planned development shall be equivalent to such spacing as would be required between buildings by district regulations for the district in which it is located.

4. Business. That in a planned business development, the following additional requirements are hereby specified:

(a) All building shall be set back not less than fifty (50) feet from all streets bounding the site;

(b) Required off-street parking spaces shall be provided in accordance with Article V of this ordinance;

(c) All walks within the planned development shall be paved with a hard surfaced material meeting the specifications of the City Engineer;

(d) Any part of the planned development not used for buildings, loading and access ways, shall be attractively landscaped with grass, trees, shrubs or pedestrian walkways, according to a landscape plan, as approved by the Board of Appeals - Plan Commission;

(e) That the overall floor area ratio for the planned development would not exceed more than thirty percent (30%) the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in such planned developments, as stipulated in each district;

(f) The buildings in the planned development shall be planned and designed as a unified and single project.

5. Variations of Minimum Requirements.

(a) Wherever the applicant proposes to provide and set out, by platting, deeding, dedication, restriction, or covenant, any land or space separate from single-family or multi-family residential districts to be used for parks, playgrounds, commons, greenways or open areas, the Board of Appeals - Plan Commission may consider and recommend to the City Council, and the City Council may vary the applicable minimum requirements of the subdivision regulations and the zoning ordinance which may include but not necessarily be limited to the following:

- | | |
|---------------|------------------------|
| 1) Front yard | 6) Intensity of use |
| 2) Rear yard | 7) Street width |
| 3) Side yard | 8) Sidewalks |
| 4) Lot area | 9) Public Utilities |
| 5) Bulk | 10) Off-street parking |

(b) Business:

(1) Business uses shall be as prescribed by the Board of Appeals - Plan Commission.

(2) All business shall be conducted and materials shall be stored within a completely enclosed building.

(3) Not more than twenty-five percent (25%) of the lot area shall be covered by buildings or structures.

(4) At least fifteen percent (15%) of the lot shall be provided for landscaping and open space purposes.

(5) No building shall be more than forty-five (45) feet in height.

(6) No dwelling shall be permitted in a planned business development.

(7) Off-street parking and loading shall be provided and maintained on the same lot in accordance with Article V of this ordinance unless the Board of Appeals - Plan Commission recommends and the City Council requires additional off-street parking and loading space.

(8) Service and loading and unloading facilities shall be provided as recommended and approved by the Board of Appeals - Plan Commission

(9) No building shall be located nearer than fifty (50) feet to any street line.

(10) Business developments shall be adequately screened by fencing or landscaping or both along the boundaries of adjacent residential, public open spaces, schools, churches or other similar uses. The screen planting shall be prepared by a landscape architect and shall meet the approval of the Board of Appeals - Plan Commission.

(11) Outside lighting shall be so designed and placed so as to not be disturbing to adjacent residential areas.

(12) Signs shall comply with the applicable regulations of the Northlake Ordinances regulating signs.

(c) Industrial.

(1) The standards for industrial areas in a planned development shall conform to the applicable standards in the Zoning Ordinance of the City of Northlake.

(2) At least twenty percent (20%) of the industrial land use areas shall be reserved for landscape and open space purposes.

h. Conditions and Guarantees. Prior to granting any Special Uses, the Board of Appeals - Plan Commission may recommend, and the City Council shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the Special Use as deemed necessary for the protection and requirements specified herein or as may be from time to time required. 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.

i. Effect of Denial of a Special Use. After a public hearing, no application for a Special Use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Board of Appeals - Plan Commission and the City Council.

j. Repeal of Special Use. In any case, where a Special Use has been granted, and where no development has taken place within two (2) years, the Board of Appeals - Plan Commission may recommend to the City Council that such zoning be affirmed or repealed and rezoned to its most appropriate district classification in accordance with the procedures under this ordinance for amendments.

713. - FEES.

a. The City Council shall establish a schedule of fees, charges and expenses for zoning certificates, occupancy certificates, appeals, application for amendments or special use, and other matters pertaining to this Ordinance. This schedule of fees shall be posted in the office of the City Clerk and may be altered or amended the the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

b. An applicant shall pay all additional costs in excess of those listed in the schedule of fees as may be incurred by the City on any application that requires a public hearing.

c. Attending members of the Plan Commission - Board of Appeals shall be paid five (\$5.00) dollars for attendance at any public hearing required under this ordinance.

714. - VIOLATION, PENALTY, ENFORCEMENT. Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall upon conviction be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars for each offense. Each day that a violation is permitted to exist after notification thereof shall constitute a separate offense.

715. - EFFECTIVE DATE. This ordinance shall be in full force and effect ten (10) days after its passage, approval and publication, as provided by law.

ADOPTED BY THE CITY COUNCIL THIS 19th DAY OF October A. D. 1987

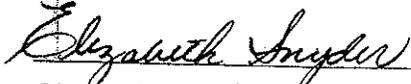
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NAYS: PAXSON

ABSENT: LA COGNATA

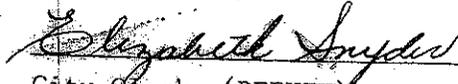
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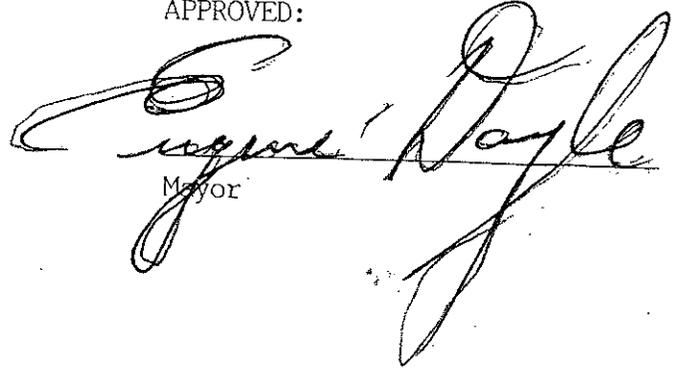


City Clerk (DEPUTY)

Filed in my office this 20th day
of October A. D. 1987



City Clerk (DEPUTY)


Mayor