



**CITY OF OAKBROOK TERRACE
PLANNING & ZONING COMMISSION**

**THE PUBLIC HEARING PROCESS FOR ZONING CHANGES,
VARIATIONS, AND SPECIAL USE PERMITS**

**Attachment A. - Public Hearing Documents Submittal-
Instructions presented to assist applicants in preparing
petitions for presentations at the public hearing meeting.**

Attachment B. - Public Hearing Application.

Attachment C. - Notice Requirements and Sample of Affidavit of Service Notice.

Attachment D. - Site Data - Sample.

Attachment E. - Landscaping Data – Sample.

Attachment F. - Fees and Deposits.

- **PUBLIC HEARING APPLICATION**
- **LEGAL NOTICE**
- **SIGN DETAILS**
- **SITE PLAN - 14 SETS (24" x 36") PLUS 8 SETS (11" x 17")**
- **LANDSCAPE PLAN - 14 SETS (24" x 36") PLUS 8 SETS (11" x 17")**
- **TWO BUILDING ELEVATIONS - 14 SETS (24" x 36") PLUS 8 SETS (11" x 17")**
- **FLOOR PLAN - 14 SETS (24" x 36") PLUS 8 SETS (11" x 17")**
- **ENGINEERING PLANS - 14 SETS (24" x 36") PLUS 8 SETS (11" x 17")**
- **APPROVAL FROM**
 -Flagg Creek Water Reclamation District**
 -Water Department**
 -Public Services**
 -Kane - DuPage Soil & Water Conservation District**
- **TRAFFIC STUDY - 14 SETS (24" x 36") PLUS 8 SETS (11" x 17")**
- **LETTER DESCRIBING THE PROPOSED PROJECT**
- **PUBLIC HEARING FEE**
- **WRITTEN NOTICES TO MOST CURRENT TAXPAYERS WITHIN 250'**

***It is important that the applicant submit samples of building materials to show how the colors, materials, and applications will all work together.**

THE PUBLIC HEARING PROCESS
FOR ZONING CHANGES, VARIATIONS AND SPECIAL USE PERMITS

These instructions are presented to assist applicants in preparing petitions for presentations before the City of Oakbrook Terrace Planning & Zoning Commission.

Hearing dates are scheduled through the Zoning Administrator for the first or the third Tuesday of each month. In cases requiring a Public Hearing with a public notice, required information must be received at least thirty (30) days prior to the hearing date. At this time the applicant must submit to the Zoning Administrator:

1. A completed application form;
2. Letter describing the project;
3. Site Data and Landscape Data;
4. Thirty copies of the preliminary development plans as outlined on the following pages;
5. Preliminary approval from water source and sanitary sewer service, State of Illinois, and/or DuPage County driveway approval;
6. Provide Legal Notice for newspaper publication;
7. The required filing fee (s) and or deposit(s).

This time is needed to insure proper public notice in a local newspaper and to permit adequate staff review. Any amendments to the petitioner's original plan must be submitted to the Zoning Administrator's office three weeks prior to the public hearing. After filing with the Zoning Administrator, the applicant must display a sign on the property in accordance with the Zoning Ordinance. The Zoning Administrator shall not accept the application for processing unless all requested documentation is submitted.

PRELIMINARY DEVELOPMENT PLANS – SUPPORT MATERIAL REQUIRED

At the time of submittal to the Zoning Administrator, the preliminary plan must include the following information. Failure to supply the required information will result in unnecessary delays. ALL submitted material must be folded into an 8x11 folder.

1. PRELIMINARY SITE PLAN:

A site plan (not more than one inch = 50 ft.) showing proposed uses and structures. Included should be:

- a. Layout of the building to scale;
- b. Show all dimensions of the perimeter of the parcel;
- c. North arrows;
- d. All dimensions (setbacks, widths of pavements, dimensions of buildings, room sizes, room sizes, etc.);
- e. Distance between buildings on the site and to buildings on the adjacent sites.

ATTACHMENT A

2. PRELIMINARY SITE STATISTICS:

On the site plan include the following calculations in square feet percentages:

- a. Gross area of each land use sub area (1. single-family; 2. multi-family, 3. commercial);
- b. Number of dwelling units, their size and mix prepared;
- c. Leasable commercial area;
- d. Total number of parking spaces vs. parking ratio required;
- e. Gross area of building;
- f. Gross area of sidewalks and pavement;
- g. Gross area of open space;
- h. Gross area of tract;
- i. Floor area ratio.

3. PRELIMINARY ENGINEERING PLANS SHOWING:

- a. Ingress and egress to the site;
- b. On site parking and fire lane locations;
- c. Adjacent rights of way;
- d. Show the names of adjacent north, south, east and west streets and the closest arterial streets;
- e. Traffic impact analysis for the subject site;
- f. Existing zoning of adjacent and surrounding properties whether in the City or not;
- g. Preliminary engineering plans showing locations and adequacy of existing and proposed sewer, storm sewer and water distribution systems and water retention;
- h. Natural Resource information from the Kane/DuPage Soil and Water Conservation District;
- i. Storm water retention. Dry or wet storage areas. Area as well as high water line (existing and proposed topography).

4. PRELIMINARY ARCHITECTURAL PLANS SHOWING:

- a. Building floor plans;
- b. Architectural rendering or photos of what building will look like (optional);
- c. Two (2) section profiles from front and side through the site and into the adjacent site (approx. 20 ft.) how the proposed development will relate to the adjacent properties;
- d. Complete landscaping plans including names and sizes of tree and height of shrubs (minimum), sod or seed areas and site amenities. Where living green fence and other fences are required, show a cross section and specify style of fence.

5. SURVEY AND CERTIFICATE:

The applicant must submit a survey of the property in question and proof of ownership. In the event the title appears in the name of the land trust, the trustee or beneficiary of such land trust shall identify each person associated with the trust by name and address and define their interest therein. In addition, the request for zoning for special permit shall be verified by the applicant in his capacity as trustee or by beneficiary as a beneficial owner in such land trust. Petitioner must prove owner is in agreement with the petitioner since only one hearing per year is allowed on that particular parcel of property.

AT THE HEARING

1. After the reading of the "Notice of Public Hearing" the applicant must submit for the hearing record of his evidence of ownership, proof of agreement of owner for this zoning change and all exhibits.
2. The applicant may then state his case, and members of the Planning and Zoning Commission and interested citizens may question the applicant and his witnesses.
3. Anyone in favor of or in opposition to their request may then present their testimony and likewise may be questioned by the Planning & Zoning Commission and applicant of his representatives.
4. The applicant may then answer the objections.
5. At the close of the hearing, the applicant and anyone in opposition have the right to file any pertinent documents or written statements with the Planning & Zoning Commission.

AFTER THE HEARING

1. The Planning & Zoning Commission will consider the testimony given at the Public Hearing after the Public Hearing or at their regularly scheduled meeting held on the third Tuesday of the month preceding the hearing and will submit their recommendation to the Mayor and City Council.
2. At the regularly scheduled City Council meeting, the City Council will bring the Planning & Zoning Commission's recommendation up under the category of new business. The Council may decide on the request at this meeting or may table the matter until their next meeting depending on the nature and complexity of the request. If the City Council approves the request, the attorney will draft an ordinance for the subject property. After this decision, the petitioner may retrieve from the Planning & Zoning Commission Secretary those public hearing exhibits that will not be retained in the petitioners file.
3. Petitioner shall remove the public notice sign from the property within two (2) weeks after the Public Hearing or withdrawal of the petition as required by the Zoning Ordinance.

REQUIREMENTS FOR MAP AMENDMENT

1. Survey of the property depicting existing buildings and structures, if any.
2. Public hearing notice.
3. Legal description of the property in WORD format for the computer.
4. Any other information required by the Building and Zoning Administrator for the particular petition.

REQUIREMENTS FOR TEXT AMENDMENT

1. Proposed amended text, marked legislative style to show changes from existing Zoning Code.
2. Public hearing notice.
3. Any other information required by the Building and Zoning Administrator for the particular petition

REQUIREMENTS FOR SPECIAL USE

1. Survey of the property depicting existing buildings and structures, if any.
2. Legal description of the property in WORD format for the computer.
3. Public hearing notice.
4. Site plan and landscaping plan depicting proposed buildings, structures and landscaping on the property.
5. All data that is relevant to the site with respect to the proposed special use in the specific zoning district, including:
 - (a) Floor area ratio;
 - (b) Lot area, lot width and lot depth;
 - (c) Lot coverage if there is a maximum lot coverage specified for the zoning district;
 - (d) Required off-street parking and loading, including number of regular and handicapped parking spaces and number of loading docks, and location and dimensions thereof;
 - (e) Required yards; and
 - (f) Building height.
6. A statement of how the proposed special use meets the conditions for granting a special use as set forth in §156.024(C) of the Zoning Code.
7. Names and addresses of all property owners within 250 feet of the property according to the latest available information from York Township Assessor's Office.
8. Any other information required by the Building and Zoning Administrator for the particular petition

REQUIREMENTS FOR VARIATIONS

1. Survey of the property depicting existing buildings and structures if any.
2. Legal description of the property in WORD format for the computer.
3. Public hearing notice.
4. A site plan for the property, depicting the requested variations as compared with the requirements of the Zoning Code.
5. A statement of how the requested variations meet the conditions for granting variations as set forth in §156.023(B).
6. Names and addresses of all property owners within 250 feet of the property according to the latest available information from York Township Assessor's Office.
7. Any other information required by the Building and Zoning Administrator for the particular petition.

REQUIREMENTS FOR PUD

1. Survey of the property, depicting existing buildings and structures, if any.
2. Legal description of the property in WORD format for the computer.
3. Public hearing notice.
4. Preliminary or final site plan for the PUD, depicting all proposed buildings and structures; location and type of exceptions requested; preliminary or final landscaping plan; and preliminary or final engineering plan for proposed buildings, structures and uses.
5. All data that is relevant to the site with respect to the proposed uses in the specific zoning district, including:
 - (a) Floor area ratio;
 - (b) Lot area, lot width and lot depth;
 - (c) Lot coverage, if there is a maximum lot coverage specified for the zoning district;
 - (d) Required off-street parking and loading, including number of regular and handicapped parking spaces and number of loading docks, and location and dimensions thereof;
 - (e) Required yards;
 - (f) Building height;
 - (g) Uses not otherwise permitted in the zoning district;
 - (h) Number of dwelling units, if appropriate; and
 - (i) Required public improvements.
 - (j) Exceptions requested, including the sections of the Zoning Code to be varied, stating the Zoning Code requirement and what is proposed.
6. Subdivision plat, if any.
7. A statement of how the proposed PUD meets the conditions for granting a special use as set forth in §156.024(C) of the Zoning Code.
8. A statement of how the requested exceptions meet the conditions for granting variations as set forth in §156.023(B).
9. Names and addresses of all property owners within 250 feet of the property according to the latest available information from York Township Assessor's Office.
10. Traffic study if requested by the Building and Zoning Administrator.
11. Any other information required by the Building and Zoning Administrator for the particular petition

REQUIREMENTS FOR AMENDMENT TO A PUD

1. Identification of Ordinance granting final approval of the original PUD and any subsequent amendments thereto.
2. Survey of the property depicting existing buildings and structures, if any.
3. Legal description of the property in WORD format for the computer.
4. Public hearing notice.
5. Description of the amendment to the PUD that is proposed.
6. Site plan, landscape plan and engineering plans as originally approved.
7. Modified site plan depicting all changes proposed to the plan or uses and proposed buildings and structures and the location and type of any additional exceptions requested. A modified landscape plan and modified engineering plans depicting the changes proposed.
8. Description of any additional exceptions required for the proposed amendment to the PUD, including the sections of the Zoning Code to be varied, stating the Zoning Code requirement and what is proposed.
9. A statement as to how the requested exceptions meet the conditions for granting variations as set forth in §156.023(B).
10. Names and addresses of all property owners within 250 feet of the property according to the latest available information from York Township Assessor's Office.
11. Any other information required by the Building and Zoning Administrator for the particular petition.

REQUIREMENTS FOR ANNEXATION AGREEMENT

1. Survey of the property, depicting existing buildings and structures, if any, and depicting the jurisdictional boundaries of Oakbrook Terrace and other nearby municipalities in relationship to the property.
2. Legal description of the property in WORD format for the computer.
3. Public hearing notice.
4. Listing of the terms to be included in the agreement, including but not limited to: (a) map amendment; (b) text amendment; (c) special use; (d) variation(s); (e) PUD; and (f) water and sewer service provision.
5. For each term to be included in the agreement, as enumerated in item 3 of these requirements, all required documents for such term.
6. Legal description of the property in WORD format for the computer.
7. Any other information required by the Building and Zoning Administrator for the particular petition.

REQUIREMENTS FOR SUBDIVISIONS

1. Preliminary or final plat of subdivision in accordance with all requirements of Title XI (Land Use), Chapter 159 (Subdivision and Development Regulations) of the City's Code of Ordinances.
2. Preliminary or final engineering plans for all required public improvements as set forth in §156.09 of the Code, in accordance with the required design standards as set forth in §156.10 of the Code.
3. Topographical survey.

ATTACHMENT B



PUBLIC HEARING APPLICATION

Date Submitted: _____

Subdivision: _____
Lot: _____ Block: _____
PIN: _____
Common Address: _____

Application For: (choose all that are applicable):
Map amendment: _____ Fee: _____
Text Amendment: _____ Fee: _____
Special Use: _____ Fee: _____
Variations: _____ Fee: _____
PUD: _____ Fee: _____
Amendment to a PUD: _____ Fee: _____
Annexation Agreement: _____ Fee: _____
Subdivision: _____ Fee: _____

OWNER:

Full name: _____
(Full name of individual(s) or legal entity(ies) in record ownership is required)

Address: _____

Telephone: _____ Fax.: _____ E-mail: _____

If ownership is in a trust, please attach a trust disclosure form.

AUTHORIZED REPRESENTATIVE OF OWNER, IF ANY:

Full name: _____

Address: _____

Telephone: _____ Fax: _____ E-mail: _____

Relationship to record owner or property (i.e., attorney, contract purchaser, etc.): _____

PROPERTY INFORMATION: (Please attach full legal description to this application)

Existing Zoning of Property: _____ Existing Use of Property: _____

Zoning of Surrounding Properties in all directions: _____

Use of Surrounding Properties in all directions: _____

PETITION: In addition to the requirements stated in 1-6 below, please obtain a listing from the Building and Zoning Department identifying documents that are required to be submitted with this specific application for zoning relief.

1. **If for a text amendment**, identify the section of the Zoning Code to be amended, and attach the proposed amended language: _____
2. **If for a special use**, identify the proposed special use and the section of the Zoning Code in which it is an allowed special use in the zoning district, and **attach a statement of how the proposed special use meets the conditions for granting a special use as set forth in §156.024(C):** _____
3. **If for variation(s)**, identify the required variations and the sections of the Zoning Code to be varied, stating the Zoning Code requirement and what is proposed, and **attach a statement of how the petition meets the conditions for granting variations as set forth in §156.023(B):** _____
4. **If for a PUD**, state whether approval is requested for preliminary or final approval; state the uses proposed and, in particular, the uses not otherwise permitted in the zoning district; and identify the required exceptions and the sections of the Zoning Code to be excepted, stating the Zoning Code requirement and what is proposed: _____
5. **If for an amendment to a PUD**, identify the ordinance granting final approval of the PUD; state the amendment proposed, and identify any additional exceptions or other zoning relief required: _____
6. **If for an annexation agreement**, attach a listing of the terms requested to be included in the agreement, including but not limited to: (a) map amendment; (b) text amendment; (c) special use; (d) variation(s); (e) subdivision (f) PUD; and (g) licenses.
7. **If for a subdivision**, state any variations requested: _____

OWNER:
Signature: _____
Title: _____
Printed Name: _____

AUTHORIZED REPRESENTATIVE:
Signature: _____
Title: _____
Printed Name: _____

Signed And Sworn To Before Me
This ____ Day Of _____, 20__.

Notary Public



17W275 Butterfield Road
Oakbrook Terrace, Illinois 60181
(630) 941-8300 Fax: (630) 941-8809
e-mail: mdragan@oakbrookterrace.net

**DISCLOSURE STATEMENT BY APPLICANTS FOR
LICENSES, PERMITS, REZONINGS OR ANNEXATIONS**

All applicants for a license, permit, rezoning or annexation in the City of Oakbrook Terrace, shall swear to the statement below before a notary public or other appropriate officer authorized to administer oaths in the State of Illinois.

The undersigned hereby represents and warrants to the City of Oakbrook Terrace that no individual who is a public officer or employee has any ownership interest in the entity making this application, or in the real estate which is the subject of this application, nor are any such individuals an officer, director or employee of the entity making the application. If the foregoing representation is inaccurate, the undersigned hereby states the nature of any interest and the name of the individual who is an officer, director or employee of the applicant, or who has any ownership interest in the applicant entity, or in the real estate which is the subject of this application.

The undersigned further represents and warrants to the City of Oakbrook Terrace that neither the applicant nor any agent, officer, employee with any gift, gratuity pecuniary benefit, real or personal property, services, or any other thing or item of value, whether in the form of money, services, loans, travel, entertainment, discounts, hospitality, offers of employment, or forgiveness of debt or obligation. If the foregoing representation is untrue, the undersigned hereby states the name of any public officer or employee who was provided such a gift, and the nature and date of the gift made to such public officer or employee.

In addition to the penalties provided by law for perjury, it shall also be grounds for denial of the application if any person executes an application, and knows, or should have known upon reasonable inquiry that the statements set forth therein or any parts thereof are false, and such person shall also be in violation of the City of Oakbrook Terrace Code of Ethics and subject to the penalties set forth therein.

(Name of Applicant Entity)

By: _____
(Print Name)

Subscribed and sworn to before me this
_____ day of _____, 20__.

Notary Public



17W275 Butterfield Road
Oakbrook Terrace, Illinois 60181
(630) 941-8300 Fax: (630) 941-8809

**CITY OF OAKBROOK TERRACE
REIMBURSEMENT OF FEES AGREEMENT**

I. OWNER:

Owner's Name: _____

Owner's Address: _____

Owner's Telephone and Facsimile Numbers, and E-mail Address, if any: _____

II. PERSON MAKING REQUEST (PETITIONER/APPLICANT):

Petitioner's Name: _____

Petitioner's Address: _____

Petitioner's Telephone and Facsimile Numbers, and E-mail Address, if any: _____

III. LOCATION OF PROPERTY:

Pin _____

Street Address of Property: _____

IV. REIMBURSEMENT OF FEES:

The Owner and Petitioner identified in this Agreement do hereby agree as follows:

A. In the event that it is necessary for the City of Oakbrook Terrace (the "City") to obtain professional services, including but not limited to, attorneys, engineers, planners, architects, surveyors, traffic or drainage experts, or other consultants, in connection with any Petitioner's request for the City to consider or otherwise take action upon any zoning change, special use, easement, subdivision, public improvement or other improvement or development upon real property, then the professional fees for such services, and reimbursement shall be made to the professional involved or to the City within thirty (30) days of the receipt of an invoice from the professional involved or the City for such fees. The Owner and Petitioner shall further be jointly and severally liable for any professional fees incurred as a direct or indirect result of any party

requesting a professional opinion, as determined by the City, or otherwise requesting relief or assistance from the City, whether or not related to real property.

B. Upon the failure of the Owner or Petitioner to reimburse the City or the professional in accordance with this Agreement, no action on any request made by the Petitioner will be undertaken by the City Council, or by any other official, board or commission until all outstanding fees are paid in full, and such request shall remain in abeyance until payment of such fees is made. The City may deny approval of any application or petition if such fees have not been paid in full. Upon any failure of the Owner or Petitioner to reimburse the City in accordance herewith, the City may, in its discretion, elect to place a lien against any real property associated with the Petitioner's request. Interest in the amount of one and one-half percent (1-1/2%) per month shall accrue on all sums outstanding for thirty (30) days or more. Such lien shall be in an amount equal to the outstanding fees owed to the City.

C. When any professional services contemplated by this section are rendered by the City staff, including the City Administrator, then in such case, the Petitioner shall reimburse the City for one hundred percent (100%) of its costs incurred in providing such professional services, as such costs are determined by the City. The City Administrator, or his/her designee may assign requests for professional services to the City staff or to consultants for services other than legal services, as he/she deems appropriate. The City Attorney may also assign requests for professional services to consultants, as he/she deems appropriate.

V. REMEDIES:

The remedies available to the City, as set forth in Section IV of this Agreement, are non-exclusive, and nothing herein shall be construed to limit or waive the City's right to proceed against any or all parties in a court of law of competent jurisdiction.

BY SIGNING THIS AGREEMENT, THE OWNER AND PETITIONER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS, THAT EACH OF THEM FULLY UNDERSTANDS THE PROVISIONS CONTAINED HEREIN, THAT EACH OF THEM AGREES TO COMPLY WITH THE PROVISIONS HEREOF CONCERNING REIMBURSEMENT OF FEES, THAT EACH OF THEM AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN, AND THAT EACH OF THEM AGREES TO BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF THE FEES PROVIDED FOR HEREIN. FURTHER, BY SIGNING THIS AGREEMENT, THE OWNER AND PETITIONER WARRANT THAT EACH OF THEM POSSESS FULL AUTHORITY TO DO SO.

OWNER: _____

By: _____

Its _____

Date: _____

PETITIONER: _____

By: _____

Its _____

Date: _____

NAME OF PARTY TO BE BILLED: _____
ADDRESS OF PARTY TO BE BILLED: _____

CITY OF OAKBROOK TERRACE

By: _____
Building and Zoning Administrator or City Manager

Date: _____

ATTACHMENT C

ORDINANCE NO. 06 - 29

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OAKBROOK TERRACE, AS AMENDED, TITLE XV (LAND USAGE), CHAPTER 156 (ZONING CODE), SECTIONS 156.023 (PLANNING AND ZONING COMMISSION), DIVISION (B) (PUBLIC HEARINGS AND NOTICE OF PUBLIC HEARINGS), WITH RESPECT TO NOTICE REQUIREMENTS FOR PUBLIC HEARINGS IN THE CITY OF OAKBROOK TERRACE, ILLINOIS

WHEREAS, the City of Oakbrook Terrace (the "City") is a home rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on December 23, 1980, the City Council of the City of Oakbrook Terrace (the "City") adopted Ordinance No. 80-24, being the City of Oakbrook Terrace Zoning Ordinance, which Ordinance has been amended thereafter from time to time and codified as Title XV (Land Usage), Chapter 156 (Zoning Code) of the Code of Ordinances of the City of Oakbrook Terrace (hereinafter referred to as the "Zoning Code"); and

WHEREAS, Section 156.023 (Planning and Zoning Commission), Division (B) (Public hearings and notice of public hearings) established the requirements for public hearings and notice of public hearings under the Zoning Code; and

WHEREAS, the Mayor and City Council of the City of Oakbrook Terrace have determined that the requirements for public hearings and notice of public hearings under the Zoning Code should be amended to simplify the requirements and be more consistent with State law with respect thereto; and

WHEREAS, the City Council requested that the Planning and Zoning Commission of the City consider certain amendments to requirements for public hearings and notice of public hearings under the Zoning Code; and

WHEREAS, the Planning and Zoning Commission of the City held a public hearing, pursuant to notice, concerning such amendments to the text of the Zoning Code, and recommended that such amendments be adopted by the City Council,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Oakbrook Terrace, DuPage County, Illinois, as follows:

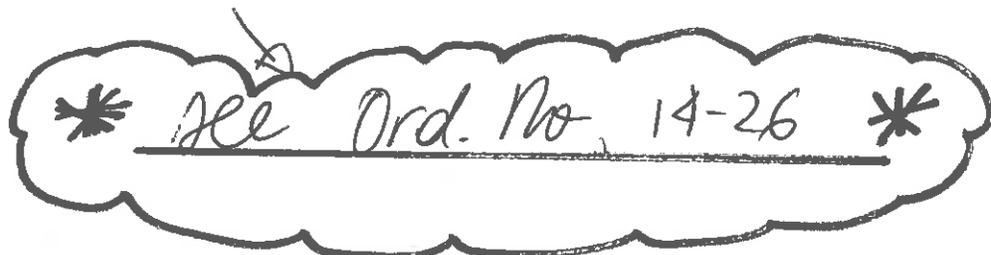
Section 1: Title XV (Land Usage), Section 156.023 (Planning and Zoning Commission), Division (B) (Public hearings and notice of public hearings) is hereby deleted and the following is substituted:

(C) Public hearings and notice of public hearings. All public hearings conducted by the Planning and Zoning Commission for amendments, variations, special uses and approval and modification of planned unit developments shall be conducted in accordance with the following requirements:

(1) Publication. Upon receipt of any petition for any amendment to either the regulations contained in this ordinance or the zoning district boundaries or classifications of properties, any variation, special use or approval or modification of a planned unit development, the Planning and Zoning Commission shall give notice of the time and place of a public hearing concerning such petition, not more than thirty (30) days nor less than fifteen (15) days before the hearing, by publishing a notice thereof, at least once, in a newspaper of general circulation in the city. Except for an amendment to the regulations contained in this ordinance, such notice shall include a legal description of the property that is the subject of the petition, the approximate street location or address, the name of the petitioner, the present zoning classification of the property, and the proposed change or approval requested. In the case of an amendment to the regulations contained in this ordinance, such notice shall include a description of the amendment proposed.

(2) Notice to other property owners. Except for an amendment to either the regulations contained in this ordinance or the zoning district boundaries or classifications of properties, written notice of the public hearing shall be served not more than thirty (30) days nor less than fifteen (15) days before the public hearing, either in person or by U.S. mail, postage prepaid to all owners of property within two hundred fifty (250) feet in each direction, as measured from any lot line of the property which is the subject of the petition. Such owners shall be determined from the tax records of the county. The required notice shall state the location of the property, the time, date and place of the public hearing, and the nature of the petition.

(3) Public hearing signs. Except for an amendment to the regulations contained in this ordinance, within five (5) days after a date has been set for the public hearing, the applicant shall erect a Public Notice sign on the property that is the subject of the petition. For commercial properties, such sign shall be erected within ten (10) feet of each public road or right-of-way abutting the property. If no public road or right-of-way abuts the property, a sign shall be placed in the position on the property where the public can most readily see it and within ten (10) feet of the right-of-way of the nearest most-traveled road if permission can be obtained by the owner of said property. For residential properties, the City of Oakbrook Terrace will erect such a Public Notice sign. Public Notice signs shall be approximately thirty-six (36) inches in height and forty-eight (48) inches in length, and shall read substantially as follows:



PUBLIC NOTICE

This land will be considered for _____
at a public hearing before the Planning and Zoning Commission
of the City of Oakbrook Terrace,
to be held on the _____ day of _____, 20____,
at 7:30 p.m. in the Oakbrook Terrace Municipal Building
17W275 Butterfield Road
Oakbrook Terrace, Illinois

The words "Public Notice" shall be in red capital letters at least three inches (3") high. The remaining words shall in black letters at least 1-1/2 inches (1-1/2") high on a white background. A deposit shall be submitted with the application to insure maintenance of the sign and removal by the petitioner within two (2) weeks after the public hearing is held or after the petition is withdrawn. The deposit will be refunded upon the approval of the Zoning Administrator.

(4) The failure of any person to receive notice of a public hearing shall not invalidate, impair or otherwise affect any action taken by the Planning and Zoning Commission or the City Council with respect to the petition.

Section 2: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict.

Section 3: This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED This 28th Day Of November, 2006.

AYES: Vlach, Thomas, M. Bojan, Durham, J. Bojan

NAYS: None

ABSENT: Sarallo

Thomas S. Mazaika
Thomas S. Mazaika, Mayor

ATTEST:

Elaine K. DeLuca
Elaine K. DeLuca, City Clerk

ORDINANCE NO. 14 - 26

AN ORDINANCE REGARDING PUBLIC HEARING SIGNS, AMENDING SECTION 156.021 ENTITLED "PLANNING AND ZONING COMMISSION" OF CHAPTER 156 ENTITLED "ZONING CODE" OF TITLE XV ENTITLED "LAND USAGE" OF THE CODE OF OAKBROOK TERRACE, ILLINOIS

WHEREAS, the City of Oakbrook Terrace, Illinois, is a home-rule unit of local government under Article VII, Section 6, of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs;

WHEREAS, Section 11-13-1 of the Illinois Municipal Code (65 ILCS 5/11-13-1) authorizes the corporate authorities of the City of Oakbrook Terrace to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses and to divide the entire city into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 *et seq.*);

WHEREAS, Section 156.022 of the Code of Oakbrook Terrace, Illinois, authorizes the corporate authorities of the City of Oakbrook Terrace, Illinois, to enact by ordinance an amendment or change in the regulations of Chapter 156 entitled "Zoning Code" of Title XV entitled "Land Usage" of the Code of Oakbrook Terrace, Illinois, when public necessity, convenience, general welfare and good zoning practice require an amendment of the regulations;

WHEREAS, City of Oakbrook Terrace, Illinois (the "Petitioner") has filed a petition to amend Section 156.021 entitled "Planning and Zoning Commission" of Chapter 156 entitled "Zoning Code" of Title XV entitled "Land Usage" of the Code of Oakbrook Terrace, Illinois, to regulate public hearing signs;

WHEREAS, pursuant to the required public notice, a public hearing was held by the City's Planning and Zoning Commission on April 15, 2014, to consider the Petitioner's application;

WHEREAS, the Planning and Zoning Commission considered the impact of the proposed amendment to Section 156.021 entitled "Planning and Zoning Commission" of Chapter 156 entitled "Zoning Code" of Title XV entitled "Land Usage" of the Code of Oakbrook Terrace, Illinois, to regulate public hearing signs and determined that public necessity, convenience, general welfare and good zoning practice required an amendment of the regulations of Chapter 156 entitled "Zoning Code" of Title XV entitled "Land Usage" of the Code of Oakbrook Terrace, Illinois, and recommended that the City Council amend Chapter 156 entitled "Zoning Code" of Title XV entitled "Land Usage" of the Code of Oakbrook Terrace, Illinois, as proposed by the Petitioner; and

WHEREAS, the corporate authorities of the City of Oakbrook Terrace, Illinois, having reviewed the record and having considered the positive recommendation of the Planning and Zoning Commission determine that public necessity, convenience, general welfare and good zoning practice require an amendment of the regulations of Chapter 156 entitled “Zoning Code” of Title XV entitled “Land Usage” of the Code of Oakbrook Terrace, Illinois; and, therefore, it is deemed necessary, desirable and in the best interest of the City of Oakbrook Terrace to amend Section 156.021 entitled “Planning and Zoning Commission” of Chapter 156 entitled “Zoning Code” of Title XV entitled “Land Usage” of the Code of Oakbrook Terrace, Illinois, to regulate public hearing signs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Oakbrook Terrace, DuPage County, Illinois:

Section 1. Recitals. The facts and statements contained in the preambles to this ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendment of Section 156.021. Section 156.021 entitled “Planning and Zoning Commission” of Chapter 156 entitled “Zoning Code” of Title XV entitled “Land Usage” of the Code of Oakbrook Terrace, Illinois, as amended, is hereby further amended as follows:

By amending Section 156.021 (C) (4) to read as follows:

“(4) Public Hearing signs. Except for an amendment to the regulations contained in this chapter, a map amendment initiated by the City Council, or an appeal from an order, requirement or decision of the Zoning Administrator or some other officer or department of the city, the City shall erect a Public Hearing sign on each frontage of the property that is the subject of the petition within five days after a date has been set for the public hearing. Applicants on behalf of commercial properties shall pay the City \$50.00 to install and remove each Public Hearing sign. All Public Hearing signs shall be erected in such a manner as to be visible from the public right-of-way. If no public right-of-way abuts the property, a Public Hearing sign shall be placed in a position on the property where the public can most readily see it. Public Hearing signs shall be approximately 18 inches in height and 24 inches in length, and shall read substantially as follows:

NOTICE
PUBLIC HEARING
FOR THIS PARCEL
FOR MORE INFORMATION
CALL
CITY OF OAKBROOK TERRACE
630-941-8300 EXT. 309

Section 3. Severability. If any provision of this ordinance, or the application of any provision of this ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid

provision, or application of such provision, is severable, unless otherwise provided by ordinance.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with these ordinance revisions and additions are repealed, insofar as a conflict may exist.

Section 5. Effective Date. This ordinance shall take effect ten (10) days following its passage, approval as provided by law.

ADOPTED this 13th day of May 2014 pursuant to a roll call vote as follows:

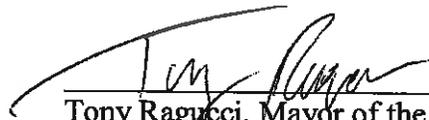
AYES: Esposito, Przychodni, Sarallo, Shadley, Thomas, and Vlach,

NAYES: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 13th day of May 2014.



Tony Ragucci, Mayor of the City of
Oakbrook Terrace, DuPage County, Illinois

ATTESTED and filed in my office
this 13th day of May 2014.



Dennis Greco, Clerk of the City of
Oakbrook Terrace, DuPage County, Illinois

LEGAL NOTICE

Sample

A Public Hearing before the Planning and Zoning Commission of the City of Oakbrook Terrace will be held on May 16, 2006 at 7:00 P.M., at the Municipal Building at 17W275 Butterfield Road, Oakbrook Terrace, Illinois, to consider the request by CB Mid-America, Inc. to allow for a restaurant at the site and the application for:

1. An Amendment to Ordinance 83-19 and Ordinance 00-06, which rezoned the Subject Property to B-4, together with a Special Use for Planned Development.
2. A special use permit to allow for a cocktail lounge.
The cocktail lounge area will be part of Mike Ditka's Restaurant.
3. A variance of the minimum number of parking spaces at the Subject Property from the 1,424 spaces required based on the proposed use, to a total of 1,272 spaces.
Ordinance 83-19 required 1,358 spaces. The actual number of spaces at the subject property is 1,272.
4. A variance of the front yard setback from 19 feet as required in Ordinance 83-19 to 13.4 feet for a length of 10 feet along the Route 83 frontage.

Petitioner/Owner: CB Mid-America, Inc.
Mid America Plaza
Route 83 and 22nd Street
Oakbrook Terrace, IL 60181

Petitioner: Mike Ditka's – Oak Brook, LLC
c/o John Muehlstein
Pedersen & Houpt
161 N. Clark Street, Suite 3100
Chicago, Illinois 60601

Legal Description

Lots 2, 3, 4 and 5 in Block 5 in Town Development Co's Elmhurst Countryside Unit Number Four, being a subdivision in the Southeast 1/4 of Section 22, Township 39 North, Range 11, East of the Third Principal Meridian according to the Plat thereof recorded December 5, 1945 as Document 488358, in DuPage County, Illinois.

Also described as:

All of Lots 2, 3, 4 and 5 in Block 5, in Town Development Co.'s Elmhurst Countryside Number Four, City of Oakbrook Terrace, DuPage County, Illinois, being more particularly described as follows: Beginning at the Southwest corner of said Lot 5; thence N 01° 38' 17" E, 925.70 feet; thence N 88° 21' 27" W, 90.00 feet; thence N 20° 29' 07" E, 191.55 feet; thence along the arc of a curve to the left having a radius of 367.00 feet and a long chord subtended bearing S 78° 37' 48" E, 125.95 feet; thence S 88° 21' 27" E, 104.00 feet; thence S 01° 38' 33" W, 1080.00 feet; thence N 89° 59' 27" W, 200.01 feet, to the point of beginning.

Address of property:

1 & 2 Mid America Plaza
Oakbrook Terrace, Illinois

PIN: 06-22-415-027

The application and public hearing documents are on file and available for public inspection during normal business hours at the Office of the Building and Zoning Department, Municipal Building 17W275 Butterfield Road, Oakbrook Terrace, Illinois 60181.

All persons present at the above and foregoing Public Hearing will be given an opportunity to be heard. Said Public Hearing may be continued from time to time as may be necessary and desirable without further notice.

Individuals with disabilities who plan to attend the hearing and require certain accommodations in order to allow them to observe and participate, or who have questions regarding accessibility of the meeting or facilities, are requested to contact the office of Building and Zoning at Oakbrook Terrace, 630-941-8300.

**BY ORDER OF THE PLANNING AND ZONING COMMISSION OF THE CITY
OF OAKBROOK TERRACE, ILLINOIS.**

Arnulfo Noble, Chairman
Planning and Zoning Commission
City of Oakbrook Terrace

**PETITIONER TO PROVIDE A DIGITAL COPY
(Either in document form or .pdf form)
OF THE LEGAL NOTICE OF THEIR
PROPERTY THAT WILL BE REZONED,
GRANTED A VARIATION, ETC.**

_____ (Date) Public Hearing
Before The
Planning Commission and Zoning Commission
City of Oakbrook Terrace, Illinois

Name of Development

AFFIDAVIT OF SERVICE NOTICE

With respect to the Public Hearing that has been scheduled before the Planning and Zoning Commission of the City of Oakbrook Terrace to request approval of

the undersigned, _____ states the following:

That, to the best of his knowledge, he has complied with the requirements established by the City of Oakbrook Terrace Zoning Code by sending the notice attached hereto as Exhibit A on _____ (Date) (the "Notice") by regular mail, return receipt requested, to the property owners listed on Exhibit B attached hereto. Copies of the mailing receipts confirming mailing, and green cards confirming receipt, of the Notice are attached hereto as Group Exhibit C.

_____ signed
Petitioner/Attorney for Petitioner

Subscribed and sworn to before me
As of this _____ day of _____, 20____.

Notary Public

ATTACHMENT D



COMMERCIAL SITE DATA SUMMARY
District
Oakbrook Terrace, Illinois 60181

REQUIRED BY ORDINANCE

PROVIDED

| | | |
|--------------------------------|--|--|
| Floor Area Required | | |
| Lot Area | | |
| Building Height | | |
| Front Yard | | |
| Corner Side Yard | | |
| Side Yard | | |
| Rear Yard | | |
| Parking: | | |
| Standard | | |
| Handicapped | | |
| Loading | | |

ATTACHMENT E

LANDSCAPING DATA

| | | |
|------------------------------------|---------|---|
| LOT AREA | Sq. Ft. | % |
| IMPERVIOUS AREA | Sq. Ft. | % |
| BUILDING AREA | Sq. Ft. | % |
| SITE IMPERVIOUS (Hard Surface) | Sq. Ft. | % |
| PARKING LOT AREA (Hard Surface) | Sq. Ft. | % |
| LANDSCAPE AREA | Sq. Ft. | % |

FULL LANDSCAPE SCREEN / BUFFER CALCULATIONS

South Property Line: _____ Ft. = _____ Points Needed

| | | |
|--------------------------------|--|---------------------------|
| | _____ Shade Trees = _____ Points _____ Evergreen Trees = _____ _____ Tall Shrubs = _____ | |
| | | Total Points Used: _____ |
| North Property Line: _____ Ft. | = _____ Points Needed | |
| | _____ Shade Trees = _____ Points _____ Ornamental Trees = _____ _____ Tall Shrubs = _____ _____ Short Shrubs = _____ | |
| | | Total Points Used: _____ |
| East Property Line: _____ Ft. | = _____ Points Needed | |
| | _____ Shade Trees = _____ Points _____ Ornamental Trees = _____ _____ Evergreen Trees = _____ _____ Tall Shrubs = _____ _____ Short Shrubs = _____ | |
| | | Total Points Used: _____ |
| West Property Line: _____ Ft. | = _____ Points Needed | |
| | _____ Shade Trees = _____ Points _____ Ornamental Trees = _____ _____ Tall Shrubs = _____ _____ Short Shrubs = _____ | |
| | | Total Points Used : _____ |

Total Points Required = _____ Total Points Used: _____

ATTACHMENT F

RESOLUTION NO. R10-22

A RESOLUTION APPROVING "GUIDELINES FOR REQUIRING A COURT REPORTER FOR PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING COMMISSION", TO ENABLE THE BUILDING AND ZONING DEPARTMENT TO DETERMINE WHETHER A COURT REPORTER SHOULD BE REQUIRED FOR A PUBLIC HEARING FOR ANY PETITION COMING BEFORE THE PLANNING AND ZONING COMMISSION

WHEREAS, the City of Oakbrook Terrace (the "City") is a home rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City Council has determined, upon the recommendation of the Building and Zoning Administrator, that a court reporter is not required for every public hearing conducted by the Planning and Zoning Commission (the "Commission"); and

WHEREAS, the Building and Zoning Administrator and the City Attorney have prepared, and the City Council has reviewed and determined to approve, certain "Guidelines for Requiring a Court Reporter for Public Hearings Before the Planning and Zoning Commission" (the "Guidelines"),

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Oakbrook Terrace, DuPage County, Illinois, as follows:

Section 1. The Guidelines are hereby approved in substantially the form attached hereto as Exhibit AA", and the Building and Zoning Administrator is hereby authorized to implement the Guidelines and to make it available to petitioners who make application for public hearings before the Planning and Zoning Commission.

Section 2. All resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed to the extent of the conflict.

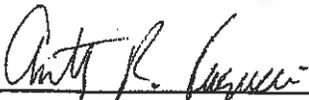
Section 3. This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED This 8th Day Of February, 2011.

AYES: Durham, Sarallo, Sayyed, Thomas, and Vlach

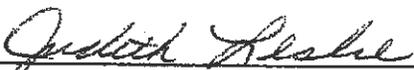
NAYS: None

ABSENT: Bojan



Anthony E. Ragucci, Mayor

ATTEST:



Judith Leslie, City Clerk

EXHIBIT A
GUIDELINES FOR REQUIRING A COURT REPORTER FOR PUBLIC HEARINGS
BEFORE THE PLANNING AND ZONING COMMISSION

- I. Intent:** The following guidelines are intended to enable the Building and Zoning Department to determine whether a court reporter should be required for a public hearing for any petition coming before the Planning and Zoning Commission. In addition to hearings for zoning relief that require a court reporter under these guidelines, the Building and Zoning Administrator may determine that a court reporter should be required for a specific hearing if the Administrator believes that a verbatim record of such hearing would preserve critical testimony of a potentially significant number of participants, or would preserve an important record for future matters or for potential disputes concerning the subject matter of the hearing.
- II. Petitions by City:** Any petition filed by the City for a map amendment, text amendment, special use, variation or planned unit development will not require a court reporter.
- III. Residential Zoning Districts:** Except for any petition filed by the City, the following guidelines for requiring a court reporter will govern petitions in residential zoning districts:
- A. Special Uses:** All special uses in residential districts are non-residential in character; therefore any petition for a special use will require a court reporter.
 - B. Variations:**
 - 1. Any petition for a variation to bulk regulations greater than twenty percent (20%) of what is permitted or required in the zoning district will require a court reporter regardless of the nature of construction.
 - 2. Any petition for a variation to sign requirements will not require a court reporter.
 - 3. Any petition for a variation to parking regulations for non-residential uses shall be subject to the guidelines for requiring a court reporter as set forth in Part V below.
 - C. Planned Unit Developments:** Any petition for a planned unit development will require a court reporter.
 - D. Map or Text Amendments:** Any petition filed for a map amendment or a text amendment to the City's Zoning Code will require a court reporter.
- IV. Business Zoning Districts:** Except for any petition filed by the City, the following guidelines for requiring a court reporter will govern petitions in business zoning districts:
- A. Special Uses and Planned Unit Developments:** Any petition for a special use or a planned unit development for a zoning lot over one (1) acre in area will require a court reporter.

- B. Variations:**
 - 1. Any petition for a variation to bulk regulations greater than twenty percent (20%) of what is permitted or required in the zoning district will require a court reporter regardless of the size of the zoning lot.
 - 2. Any petition for a variation to sign requirements will not require a court reporter.
 - 3. Any petition for a variation to parking regulations for non-residential uses shall be subject to the guidelines for requiring a court reporter as set forth in Part V below.

 - C. Planned Unit Developments:** Any petition for a planned unit development will require a court reporter.

 - D. Map or Text Amendments:** Any petition filed for a map amendment or a text amendment to the City's Zoning Code will require a court reporter.
- V. Parking Variations:** Except for any petition filed by the City, the following guidelines for requiring a court reporter will govern petitions for parking variations:
- A. Variation of 50 or More Spaces:** Any petition for a variation of 50 or more parking spaces on any site will require a court reporter.

 - B. Other Variations:** Any petition for parking variations in excess of the variations identified below will also require a court reporter:
 - 1. Any petition for a variation of 5 or less parking spaces on a site where 100 parking spaces or less are required will not require a court reporter.
 - 2. Any petition for a variation of more than 5 but less than 10 parking spaces on a site where more than 100 but less than 200 parking spaces are required will not require a court reporter.
 - 3. Any petition for a variation of 10 or more but less than 20 parking spaces on a site where 200 or more but less than 300 parking spaces are required will not require a court reporter.
 - 4. Any petition for a variation of 20 or more but less than 30 parking spaces on a site where 300 or more but less than 400 parking spaces are required will not require a court reporter.
 - 5. Any petition for a variation of 30 or more but less than 40 parking spaces on a site where 400 or more but less than 500 parking spaces are required will not require a court reporter.
 - 6. Any petition for a variation of 40 or more but less than 50 parking spaces on a site where 500 or more parking spaces are required will not require a court reporter.

CHAPTER 154: FEES AND DEPOSITS

Section

| | | |
|--------|---|--|
| 154.01 | Code Official | (1) Residential Construction (new) \$500. |
| 154.02 | Plan review fee deposit for building construction or site engineering | (2) Residential Construction (additions, and the like.) \$200. |
| 154.03 | Building and site development permit fees | (3) Business or Institutional Construction (new) \$2,000. |
| 154.04 | Fees for annexation, zoning and development petitions | (4) Business or Institutional Construction (renovation) \$600. |
| 154.05 | Consultant's fees | (5) Accessory Structures and Miscellaneous \$50. |
| 154.06 | Demolition permit fees and deposit | |
| 154.07 | Sign permit fees | |
| 154.08 | Fees for landscaping and tree planting for business/multiple-family sites | |
| 154.09 | Re-inspection fee | |
| 154.10 | Payment of fees and deposits | |
| 154.11 | Waiver of fee and deposits | |

§ 154.01 CODE OFFICIAL.

Whenever in this chapter the term Code Official is used, it shall mean the city's Building and Zoning Administrator, and such assistants as have been or shall be duly authorized by the Building and Zoning Administrator to assist in administering and enforcing the provisions of this chapter, or any other pertinent chapter of this code, in making such determinations, interpretations and orders as are necessary therefor, and in requiring such plats, plans and other descriptive material as are necessary to judge compliance with this chapter, or any other pertinent chapter of this code. (Ord. 02-53, passed 12-18-02; Am. Ord. 05-10, passed 6-28-05)

§ 154.02 PLAN REVIEW FEE DEPOSIT FOR BUILDING CONSTRUCTION OR SITE ENGINEERING.

(A) Nonrefundable Plan Review Fee Established. A nonrefundable plan review fee shall be paid prior to a review by the Code Official or consultants for the city, and upon submission of building construction drawings or engineering plans. Such fee shall be in the following amounts:

If a permit is issued after the plan review, the amount of the permit will be according to the provisions of § 154.03 of this chapter. The plan review fee will be deducted from the building permit fee that is paid prior to the issuance of the building permit. No building permit will be issued until all fees are paid, including plan review fees.

(B) Additional expenses. If the plan review fees listed in division (A) of this section are not sufficient to cover the costs of the plan review by the office of the city engineer or other consultant(s) hired by the city, the applicant shall pay such additional expenses within 30 days after the city issues an invoice therefor. The applicant shall sign a written agreement acknowledging responsibility to pay such additional expenses pursuant to this section as part of the city's building permit application form. (Ord. 02-53, passed 12-18-02; Am. Ord. 03-58, passed 4-13-04; Am. Ord. 05-10, passed 6-28-05)

§ 154.03 BUILDING AND SITE DEVELOPMENT PERMIT FEES.

(A) Building construction permit fees. Building permit fees for new buildings or structures or alterations/additions to existing buildings or structures shall be collected by the Code Official in advance and forwarded to the City Treasurer. Building permit fees shall be nonrefundable. The

Oakbrook Terrace - Land Usage

architect for the project shall provide the Code Official with a written statement of estimated construction costs for the building or structure, and the basis on which such costs were determined. The Code Official shall have the right, in his or her discretion, to challenge the estimate provided, and the determination of the Code Official shall be final. Building permit fees shall be as follows:

- 1.0% for all construction costs up to \$5,000,000
- 0.5% for all construction costs above \$5,000,000

(1) The minimum permit fee is established at \$50.

(2) Occupancy permit fees are established at \$25 per unit.

(B) Additional expenses. If the building construction permit fees listed in division (A) of this section are not sufficient to cover the costs of the inspections undertaken by the office of the city engineer or other consultant(s) hired by the city, the applicant shall pay such additional expenses within 30 days after the city issues an invoice therefor. The applicant shall sign a written agreement acknowledging responsibility to pay such additional expenses pursuant to this section as part of the city's building permit application form.

(C) Cash bond. A cash bond in the amount of \$5,000 shall be deposited with the Code Official and forwarded to the City Treasurer for all street, curb or grading work. The condition of such bond shall be that if the applicant clears all mud and debris resulting from the construction work from the streets and public ways, in the manner required from time to time by the city's Code Official and Public Services Director, and restores all the grade and all streets, curbs and public ways to specifications, then such cash bond shall be refunded upon the posting of a performance bond for the building construction or upon the issuance of a certificate of occupancy. If the applicant fails to provide such clean-up, restoration or grading, then such work shall be performed by the city, and the cost thereof shall be deducted from such bond, and the amount remaining, if any, shall be refunded to the applicant.

(D) Performance bond. In certain cases as prescribed in Chapter 152 (Floodplain Development) of this code, before issuance of the permit, a performance bond or letter of credit in a form acceptable to the office of the City Attorney and in an amount equal to 110% of the cost

of construction, shall be deposited through the building and zoning department to the City Treasurer, to guarantee that all work will be completed within a prescribed time and in accordance with the approved plans.

(E) Building permits required. Building permits are required for the following types of construction:

General

- Any new building
- Any new addition to an existing building
- Any alteration to a structure
- New elevators
- Structural repairs due to fire or deterioration
- Scaffolding on public property
- Signs
- Tents/Trailers

Site Work

- Awnings and Canopies
- Demolition
- Landscaping and Tree Planting for new business/multiple-family sites and for additions to existing business/multiple-family sites
- Lawn sprinkler systems
- Parking lots, either reconstruction or new lots
- Patios
- Ramps (for wheelchairs, and the like)
- Sheds
- Sidewalks on private property
- Street openings
- Driveways
- Driveway Aprons
- Swimming pools

Concrete Work

- Footings, foundation walls, walls, slabs, and the like.
- Piers for decks
- Courts: tennis, shuffleboard, and the like.
- Driveways (Asphalt or brick as well)

Masonry

- Chimneys
- Grouted masonry
- Fireplaces and hearths (new)
- Hollow unit masonry
- Patios
- New walls

Equipment

- Central air conditioning
- Clothes dryer if piping or electric wiring changes
- Drain tile, exterior
- Ductwork

Electrical

- Breakers, circuits or lights, additional or new
- Drop location changes
- Exterior lighting and receptacles
- Outlets, additional
- Panel changes
- Satellite dishes and wireless communication devices, (except those pre-empted from regulation by Federal Communications Commission)
- Underground or above ground services, new or upgrade
- Smoke detectors directly wired (new)
- Burglar and fire alarm systems (new)

Metals Structural Steel Beams

- Pre-fabricated fireplaces
- Flues
- Metal chimneys (new)
- Repair or replacement of existing siding (greater than or equal to 30%)
- New siding

Carpentry

- Beam and column supports (new)
- Carports
- Decks
- Doors (change in size or location)
- Garages
- Headers over doors & windows (new)
- Insulation (new)
- Joists
- Lintels (new)
- Partitions (new)
- Porches
- Pre-fabricated sheds
- Rafters (new or replacement)
- Skylights
- Stairways
- Windows (changing in size or type)

Fences

- Repair or replacement of existing fences (greater than or equal to 30%)
- New fences

Roofs

- Repair or replacement of existing roofs (greater than or equal to 30%)
- New roofs

Finishes

- Ceilings (new)
- Gypsum walls (new)
- Plaster (new)
- Wallboard (greater than or equal to 100 sq. ft., and if there is attendant electrical work)

(F) Individual building permits not required for a comprehensive construction project. With the exception of demolition, the installation of signs and landscaping and tree planting for new business/multiple-family sites and additions to existing business/multiple-family sites, individual building permits for items listed in division (E) of this section shall not be required for new buildings or structures or additions to buildings or structures, so long as the overall permit fee provided for in division (A) of this section includes fees for such items.

(G) Construction site signs. Any contractor who engages in new building construction, construction of an addition to an existing building, or construction of a new or reconstructed commercial parking lot on any site pursuant to a permit issued under the city's building code, shall be required to obtain a construction site sign, only from the city as required by § 105.9 of the city's building code, as amended. The fee for purchase of such sign shall be \$60, and the contractor may use such sign for additional permitted work to be performed by such contractor, or may sell the sign back to the city for the sum of \$40 if such sign is in reasonable condition in the judgment of the Building and Zoning Administrator. No contractor shall sell any such sign to any other contractor. (Ord. 02-53, passed 12-18-02; Am. Ord. 03-58, passed 4-13-04; Am. Ord. 05-10, passed 6-28-05; Am. Ord. 06-38, passed 1-23-07; Am. Ord. 06-49, passed 2-27-07; Am. Ord. 07-08, passed 7-10-07; Am. Ord. 08-13, passed 8-12-08)

§ 154.04 FEES FOR ANNEXATION, ZONING AND DEVELOPMENT PETITIONS.

At the time an application for any of the following annexation, zoning or development changes are submitted to the city, the following nonrefundable fees will be charged:

Oakbrook Terrace - Land Usage

(A) Annexation fees:

(1) \$100 for a voluntary petition for annexation, without an annexation agreement.

(2) \$1,000 per case for an annexation requiring an annexation agreement.

(3) \$1,000 per case for an amendment to an existing annexation agreement.

(4) In addition to the annexation fee established above in this division (A), and in conjunction with annexation to the city, the applicant shall be required to pay any applicable fees for requested zoning relief as established in divisions (B) through (G) hereinafter.

(B) Variations (that are not part of PUDs):

(1) \$500 per case for a single-family residential variation.

(2) \$1,000 per case for a business or multiple-family variation.

(C) Special uses (that are not part of PUDs):

(1) \$500 per case for a single-family residential special use.

(2) \$2,000 per case for a business or multiple-family special use.

(3) \$500 per case for an amendment to a single-family residential special use permit.

(4) \$2,000 per case for an amendment to a business or multiple-family special use permit.

(D) Amendments:

(1) Map amendments (that are not part of PUDs):

(a) \$500 per single-family residential case.

(b) \$2,000 per business or multiple-family case, plus \$100 per acre or portion of an acre over one acre.

(2) Text amendments: \$1,000 per case.

(E) Subdivisions (that are not part of PUDs):

(1) \$500 plus \$200 per acre or portion of an acre over one acre.

(2) \$400 plus \$150 per acre or portion of an acre over one acre for an amendment of a subdivision plat.

(F) Planned unit developments:

(1) (a) That are predominantly a single-family detached or attached residential subdivision: \$2,000 plus \$200 per acre or portion of an acre over two acres.

(b) That are predominantly a multiple-family residential use or subdivision: \$2,000 plus \$300 per acre or portion of an acre over two acres.

(c) That are predominantly a commercial use: \$2,000 plus \$100 per acre or portion of an acre over two acres.

(2) For purposes of this division and division (G), **PREDOMINANTLY** shall mean that the use specified is the main or controlling element of the planned unit development, either in amount of acreage occupied by such use, or in the case of residential uses, in number of units.

(G) For an amendment to a planned unit development, the following fee schedule is established:

(1) \$500 for an amendment to any planned unit development which is predominantly single-family residential and where all occupancy permits have been previously issued by the city;

(2) \$1,000 for an amendment to any planned unit development which is predominantly single-family residential, and where a minimum of 50%, but less than 100%, of the anticipated occupancy permits have been previously issued by the city;

(3) \$1,000, plus \$100 per acre or portion of an acre over two acres, for an amendment to any planned unit development which is predominantly single-family residential, and where less than 50% of the anticipated building permits have been previously issued by the city;

(4) \$1,000 for an amendment to any planned unit development which is predominantly business or multiple-family, and where all occupancy permits have been previously issued by the city;

(5) \$2,000 plus \$50 per acre or portion of an acre over two acres, for an amendment to any

planned unit development which is predominantly business or multiple-family, and where a minimum of 50%, but less than 100%, of the expected occupancy permits have been previously issued by the city, or where a minimum of 50%, but less than 100%, of the construction value as listed on the permit application has actually been built.

(6) \$2,000, plus \$150 per acre or portion of an acre over two acres, for an amendment to any planned unit development which is predominantly business or multiple-family, and where less than 50% of the expected building permits have been previously issued by the city, or where less than 50% of the expected construction value as listed on the permit application has actually been built.

(H) (1) Appeal from a decision of the Building and Zoning Administrator:

(a) \$500 per case for a single-family residential appeal.

(b) \$1,000 per case for a business or multi-family appeal.

(2) The fee for an appeal from a decision of the Building and Zoning Administrator shall be refunded if such decision is reversed by the Planning and Zoning Commission. Fees incurred to reimburse the city for the costs of professional and technical consultant services, including any court reporter fees that exceed \$250, as prescribed by § 154.05(A) will not be refunded.

(I) (1) Appeal from a decision of the Stormwater Administrator:

(a) \$500 per case for a single-family residential appeal.

(b) \$1,000 per case for a business or multi-family appeal.

(2) The fee for an appeal from a decision of the Stormwater Administrator shall be refunded if such decision is reversed by the Stormwater Oversight Committee. Fees incurred to reimburse the city for the costs of professional and technical consultant services, including any court reporter fees that exceed \$250, as prescribed by § 154.05(A) will not be refunded.

(Ord. 07-06, passed 6-26-07)

§ 154.05 CONSULTANTS' FEES.

(A) An applicant shall be responsible for paying all the city's costs for professional and technical consultant services, including any court reporter fees that exceed \$250, legal and engineering fees for reviewing and processing the application, in addition to building permit fees, fees for subdivisions, planned developments, variations, special uses, map and text amendments, and appeals.

(B) At the time of application, or at any time after an application is filed, an applicant shall, upon the demand of the Code Official, deposit with the City Treasurer an amount determined by the Code Official to be needed to pay the city's actual costs for professional and technical consultant services. The applicant shall also be required to execute a written agreement, on a form provided by the city, by which the applicant shall acknowledge its responsibility to pay and shall specifically agree to pay all consultant fees pursuant to this section.

(C) In determining this amount, the Code Official shall consult with such professional and technical consultants, as deemed appropriate, for review and processing of the application. The Code Official shall maintain accurate records of the amounts so deposited and shall, from time to time, draw on deposited funds to pay such costs.

(D) Should the Code Official at any time determine that the amount on deposit for an application is, or is likely to come, insufficient to pay the city's costs for professional and technical consultant services for that application, the Code Official shall so inform the applicant, and shall demand an additional deposit in an amount the Code Official deems sufficient to cover foreseeable additional costs. Unless and until any deposit required hereunder is made, processing of the application for which the deposit is required shall be suspended.

(E) Immediately after any final action on an application or withdrawal of an application, the Code Official shall cause final accounting of the applicant's deposit and the city's costs to be made. A copy of the accounting shall be provided to the applicant. If the amount on deposit is insufficient to pay the total actual costs of processing the application, the Code Official shall cause a written demand for payment of the balance due to be mailed to the applicant. If any unused balance remains on deposit after all actual costs of the city are paid, the City Treasurer shall, upon the direction of the Code Official, return the unused balance to the applicant.

(F) No occupancy permit shall be given to an applicant that has not paid its balance due hereunder. No additional application shall be accepted from an applicant that has not paid its balance due.

(Ord. 02-53, passed 12-18-02; Am. Ord. 05-10, passed 6-28-05)

§ 154.06 DEMOLITION PERMIT FEES AND DEPOSIT.

(A) Demolition fee. The following nonrefundable fees are established for demolition permits:

| | |
|-------------------------------------|-------|
| Main Buildings and Structures: | \$300 |
| All Other Buildings and Structures: | \$50 |
| Interior Demolition: | \$50 |

(B) Demolition deposit or escrow. A refundable demolition bond or escrow of \$5,000 for a demolition in a residential district, and \$10,000 for demolition in a business district, shall be deposited with the city at the time an application is made for a demolition permit.

(C) No building permit will be issued until all fees are paid, including demolition fees.
(Ord. 02-53, passed 12-18-02; Am. Ord. 05-10, passed 6-28-05)

§ 154.07 SIGN PERMIT FEES.

The fee for all sign permits shall be equal to 1.0% of all sign construction costs or \$100 per sign, whichever is greater.

(Ord. 02-53, passed 12-18-02; Am. Ord. 05-10, passed 6-28-05)

§ 154.08 FEES FOR LANDSCAPING AND TREE PLANTING FOR BUSINESS/MULTIPLE-FAMILY SITES.

The permit fee for all landscaping and tree planting plans for business/multiple-family sites or for additions to existing business/multiple-family sites shall be equal to 1.0% of all landscaping construction and tree planting costs or \$50 per permit, whichever is greater.

(Ord. 05-10, passed 6-28-05)

§ 154.09 RE-INSPECTION FEE.

(A) Fee established. The fee for any re-inspection of construction, development or other work requiring a permit shall be \$50.

(B) Scope of fee. If a re-inspection of any construction, development or other work requiring a permit, is scheduled but such work is not ready for inspection (or not accessible for inspection), the permittee shall be required to pay a re-inspection fee, as provided in division (A) of this section, for each such occurrence.

(C) Elevator re-inspections. Each elevator shall be inspected semi-annually after the initial installation, and the fee for each such inspection shall be \$50. If a re-inspection is required, the fee for each re-inspection shall be \$50.

(Ord. 02-53, passed 12-18-02; Am. Ord. 05-10, passed 6-28-05; Am. Ord. 06-49, passed 2-27-07)

§ 154.10 PAYMENT OF FEES AND DEPOSITS.

All fees and deposits shall be paid to the city at the time of filing of each application under this title. No ordinance, agreement or plan shall be approved, nor shall any building or other permit be issued without the full payment of all fees and deposits as required in this chapter.

(Ord. 02-53, passed 12-18-02; Am. Ord. 05-10, passed 6-28-05)

§ 154.11 WAIVER OF FEE AND DEPOSITS.

Notwithstanding anything else to the contrary contained in this code, or any other code or ordinance of the city, the City Council, may, in its discretion, waive any fees and deposits that are established in this chapter in the following circumstances:

(A) For the benefit of any governmental entity, except for deposits made to reimburse the city for the costs of professional, architectural, planning, engineering and legal services and fees used to pay the city's out-of-pocket costs, including, but not limited to publication costs and fees for the services of a court reporter.

(B) For the benefit of a resident seeking a building permit or zoning relief, if such resident can show that the proposed improvement is necessary to serve the needs of the resident or a person in the

resident's family, as defined in the city's zoning code, who is physically or mentally disabled or incapacitated, as evidenced by a sworn statement from a treating physician or other state-certified health care provider; on a form to be developed by the City Attorney and provided by the Department of Building and Zoning, except for deposits made to reimburse the city for the costs of professional, architectural, planning, engineering and legal services and fees used to pay the city's out-of-pocket costs, including, but not limited to publication costs and fees for the services of a court reporter.

(C) If the need for any zoning relief is caused by a State of Illinois, DuPage County, or city roadway project, and the impact of such roadway project on buildings, structures or driveways located on properties adjacent thereto, except for deposits made to reimburse the city for the costs of professional, architectural, planning, engineering and legal services and fees used to pay the city's out-of-pocket costs, including, but not limited to publication costs and fees for the services of a court reporter.

(D) If the City Council approves the waiver of any or all fees or deposits based upon a determination that such waiver is in the public interest.

(Ord. 02-34, passed 10-8-02; Am. Ord. 08-10, passed 6-28-05; Am. Ord. 11-28, passed 11-8-11)