



**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.**

# ATTACHMENT A

- **PUBLIC HEARING APPLICATION**
- **LETTER DESCRIBING THE PROPOSED PROJECT**
- **LEGAL NOTICE**
- **SIGN DETAILS**
- **SITE PLAN – 22 SETS TOTAL**
  - 14 SETS (24" x 36") PLUS
  - 8 SETS (11" x 17")
- **LANDSCAPE PLAN – 22 SETS TOTAL**
  - 14 SETS (24" x 36") PLUS
  - 8 SETS (11" x 17")
- **TWO BUILDING ELEVATIONS – 22 SETS TOTAL**
  - 14 SETS (24" x 36") PLUS
  - 8 SETS (11" x 17")
- **FLOOR PLAN – 22 SETS TOTAL**
  - 14 SETS (24" x 36") PLUS
  - 8 SETS (11" x 17")
- **ENGINEERING PLANS – 22 SETS TOTAL**
  - 14 SETS (24" x 36") PLUS
  - 8 SETS (11" x 17")
- **PHOTOMETRIC / LIGHTING PLAN – 22 SETS TOTAL**
  - 14 SETS (24" x 36") PLUS
  - 8 SETS (11" x 17")
- **APPROVAL FROM.....Flagg Creek Water Reclamation District**
  - .....Water Department
  - .....Public Services / Public Works
  - .....Kane – DuPage Soil & Water Conservation
- **TRAFFIC STUDY – 22 SETS TOTAL**
  - 14 SETS (24" x 36") PLUS
  - 8 SETS (11" x 17")
- **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 Planning & Zoning Commission.

Hearing dates are scheduled through the Zoning Administrator for the first 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. The required filing fee (s) and or deposit (s)
3. Twenty-two copies of the preliminary development plans as outlined on the following pages;
4. Preliminary approval from water source and sanitary sewer service, State of Illinois, and/or DuPage County driveway approval;
5. Provide Legal Notice for newspaper publication.

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 City shall display a sign on the property in accordance with the Zoning Ordinance. The Zoning Administrator shall not accept the application for processing 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 + LANDSCAPE 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.

## 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; and the maximum number of units allowed
- 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 site providing over sixty-five parking spaces.
- 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. Storm water retention. Dry or wet storage areas. Acre feet as well as high water line (existing and proposed topography of the site at 1 ft. intervals.

## 4. PRELIMINARY ARCHITECTURAL PLANS SHOWING:

- a. Building floor plans.
- b. 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.
- c. Architectural rendering or photos of what building will look like (optional).
- d. 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.

## 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 at their regularly scheduled meeting held on the third Tuesday of the month preceding the hearing and will submit their recommendation to the 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 a revision to the Zoning Ordinance for the first reading and ultimately a final reading before passage into law.  
After this decision, the petitioner may retrieve from the City Clerk or Planning & Zoning Commission 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) 617-0036  
e-mail: [mdragan@oakbrookterrace.net](mailto:mdragan@oakbrookterrace.net)

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

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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) 617-0036

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

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**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**

**Date:** \_\_\_\_\_

**DISCLOSURE OF BENEFICIARIES OF TRUST**

As Trustee of the \_\_\_\_\_  
(Title, Number and Date of Trust)

(the "Trust") I do hereby represent and disclose that the sole beneficiary/beneficiaries of the Trust are as follows:

(List below the names, business or residential addresses and percentage of beneficial interest of each beneficiary on whose behalf title is held)

<u>Name</u>	<u>Business or Residential Address</u>	<u>Percentage Interest</u>
-------------	--	----------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Add additional pages if needed)

\_\_\_\_\_  
(Print Name):  
As Trustee Under

\_\_\_\_\_  
(Title, Number and Date of Trust)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Phone)

\_\_\_\_\_  
(Facsimile)

County of \_\_\_\_\_ )  
State of Illinois ) SS.  
\_\_\_\_\_ )

Subscribed and sworn to before me  
This \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

(Attach Authorization to Execute this Document)

**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**

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**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:

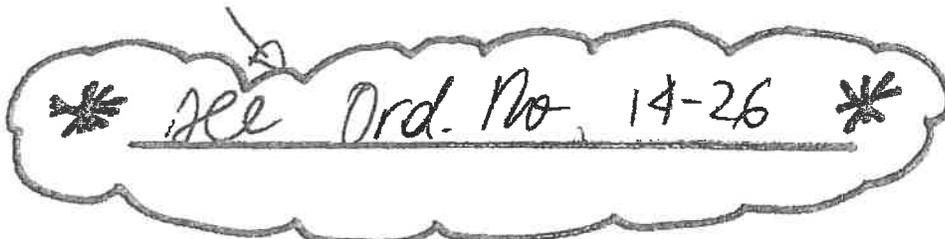
**Section 1:** Title XV (Land Usage), Section 156.023 (Planning and Zoning Commission), Division (B) (Public hearings and notice of public hearings) is hereby deleted and the following is substituted:

(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 28<sup>th</sup> 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**

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**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 13<sup>th</sup> day of May 2014 pursuant to a roll call vote as follows:

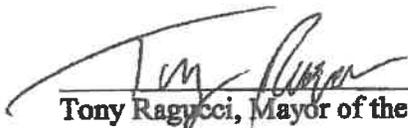
**AYES:** Esposito, Przychodni, Sarallo, Shadley, Thomas, and Vlach,

**NAYES:** None

**ABSENT:** None

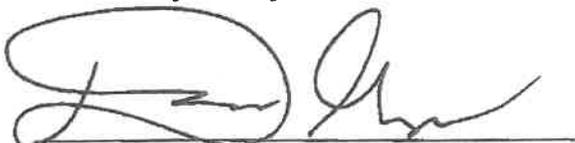
**ABSTENTION:** None

APPROVED by me this 13<sup>th</sup> day of May 2014.



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

ATTESTED and filed in my office  
this 13<sup>th</sup> day of May 2014.



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

## LEGAL NOTICE

A Public Hearing before the Planning and Zoning Commission of the City of Oakbrook Terrace will be held on June 21, 2016 at 6:00 PM, at the City Council Chambers at 17W261 Butterfield Road, Oakbrook Terrace, Illinois, to consider the request by Oakbrook Terrace Retail Investors, LLC ("Petitioner"), to approve special uses relating to a new building authorized under Section 156.024(B) of the Zoning Ordinance and variations authorized under 156.023(B) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance") as follows:

1. A special use for a multi-tenant building that includes a restaurant with a drive-through window authorized under Section 156.087(C)(35) of the Zoning Ordinance.
2. A variation from Section 156.043(C)(2) prohibiting signs from obstructing drives in order to permit a suspended height restriction sign at the entry to the drive through.
3. A variation from Section 156.043(C)(5) limiting the height of monument and pole signs to nine (9) feet in order to permit (a) a pylon sign along the Midwest Road frontage between the driveways of the Subject Property which is not taller than twelve (12) feet, and (b) a pole sign at the entry to the drive through not taller than eleven (11) feet.
4. A variation from Section 156.051(D)(1) (requiring above ground service facilities to be situated three feet from the side lot line and five feet from the rear lot line), from Section 156.051(D)(5) (prohibiting more than one above ground service facility within 250 feet of another) and Section 156.051(F) (requiring a landscape buffer) in order to permit an above ground service facility within three (3) feet of the south lot line and within 250 feet of another existing above ground service facility and to allow such facility to exist without screening except for that provided by the refuse area screen.
5. A variation from Section 156.087(G)(1) requiring a minimum front yard (north) to pavement of ten (10) feet in order to permit the location of parking stalls as close as three (3) feet from the lot line.
6. A variation from Section 156.087(G)(2) requiring a minimum side yard (south) to pavement of five (5) feet in order to permit the loading area and drive-through lane by pass to be situated not closer than zero (0) feet north of the lot line.
7. A variation from Section 156.087(G)(3) requiring a minimum rear yard (west) to pavement of five (5) feet in order to permit paved areas for parking spaces two (2) feet east of the lot line.
8. A variation from Section 156.087(G)(4) limiting the use of a common access drive to one-half of a side yard requirement in order to permit the location of the drive through lane bypass on the south side of the building to occupy an area that is as close as zero (0) feet to the south lot line and extends across the side yard required by ordinance as many as thirteen (13) feet.

9. A variation from Section 156.087(I), Section 156.049(H) and Section 156.049(I) in order to permit perimeter, parking lot and general landscaping relief with the required landscaping reflected in the landscape plan on file with the City which contemplates reductions in the requirements along the south and west lot lines as well as within the interior of the parking area and drive aisles.
10. A variation from Section 156.101(E) limiting widths of commercial district driveway flares to five feet on each side of every driveway in order to permit driveway flares at the north driveway not to exceed 20 feet (north curb) and 20 feet (south curb), and driveway flares at the south driveway not to exceed 20 feet (north curb) and 16 feet (south curb).
11. Pursuant to Section 156.023(B), such other variations and authorizations as may be required to permit the development of the use and improvements according to the plans on file with the City and as these plans may be amended through the City Council's consideration of this request.

Petitioner and Owner seek the above relief in order to allow the improvements and use of the Subject Property according to the application and plans on file with the City of Oakbrook Terrace.

Petitioner & Owner:

Oakbrook Terrace Retail Investors, LLC  
One Trans Am Plaza, Suite 120  
Oakbrook Terrace, IL 60181

Legal Description:

Parcel 1

Lot 3 in Dr. Fay's Division of Lots 22 and 23 in York Township Supervisor's Assessment Plat number 8, in the Southwest quarter of Section 22, Township 39 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded November 10, 1951 as Document 638977 in DuPage County Illinois.

Parcel 2

Lot 4 in Dr. Fay's Division of Lot 22 and Lot 23 in York Township Supervisor's Assessment Plat number 8 in Southwest quarter of Section 22, Township 39 North, range 11, east of the Third Principal Meridian, according to the Plat thereof recorded November 10, 1951 as document 638977, in DuPage County, Illinois.

Said parcel of land may also be described as:

Lots 3 and 4 in Dr. Fay's Division of Lots 22 and 23 in York Township Supervisor's Assessment Plat Number 8 in the South West ¼ of Section 22, Township 39 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded November 10, 1951 as Document 638977, in DuPage County Illinois.

SUBJECT TO any and all reservations, restrictions, easements, rights of way, limitations and conditions of record.

Permanent Index No. 06-22-301-065

Address of Property: 18722 Midwest Road/Summit Avenue, Oakbrook Terrace, Illinois

The property is zoned B-3 General Retail

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 the Building and Zoning at Oakbrook Terrace, 630-941-8300.

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

Planning and Zoning Commission  
City of Oakbrook Terrace

**PETITIONER TO PROVIDE A DIGITAL COPY**

**(In word document 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, to the property owners listed on Exhibit B attached hereto.

\_\_\_\_\_  
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**

<b>Floor Area</b>	<b>Not to Exceed</b>	
<b>Lot Area</b>	<b>Minimum Area</b>	
	<b>Net Area/Business</b>	
<b>Building Height</b>		
<b>Front Yard</b>	<b>Building</b>	
	<b>Paved Area</b>	
<b>Corner Side Yard</b>	<b>Building</b>	
	<b>Paved Area</b>	
<b>Side Yard</b>	<b>Building</b>	
	<b>Paved Area</b>	
<b>Rear Yard</b>	<b>Building</b>	
	<b>Paved Area</b>	
<b>Parking</b>	<b>Standard Spaces</b>	
	<b>Handicap Space(s)</b>	
<b>Loading</b>		
<b>Driveway Width at the City's R-O-W Line</b>		
<b>Flare shall not exceed 5 feet on each side of the driveway</b>		

**\*\*PLEASE PROVIDE COMMERCIAL SIGNAGE DATA SUMMARY\*\***

# 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.

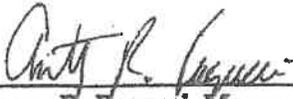
**Section 3.** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED AND APPROVED This 8<sup>th</sup> Day Of February, 2011.**

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

**NAYS: None**

**ABSENT: Bojan**

  
\_\_\_\_\_  
**Anthony F. 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
154.02	Plan review fee deposit for building construction or site engineering
154.03	Building and site development permit fees
154.04	Fees for annexation, zoning and development petitions
154.05	Consultant's fees
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
154.12	Violations; penalty

- (1) Residential Construction (new) \$500.
- (2) Residential Construction (additions, and the like.) \$200.
- (3) Business or Institutional Construction (new) \$2,000.
- (4) Business or Institutional Construction (renovation) \$500.
- (5) Accessory Structures and Miscellaneous \$50.

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.

### § 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:

(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

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 is submitted to the city, the following nonrefundable fees will be charged:

## (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. 05-10, passed 6-28-05; Am. Ord. 11-28, passed 11-8-11)

#### § 154.12 VIOLATIONS; PENALTY.

(A) Penalty. Any person, firm or corporation violating any provision of this chapter or who erects, constructs, alters or repairs a building or structure without obtaining a permit or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this chapter, shall be fined not less than \$100 nor more than \$750 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) Stop-work orders. Upon notice from the Building and Zoning Administrator, work on any building, structure or plumbing system that is being done contrary to the provisions of this chapter or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the

owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building and Zoning Administrator shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 nor more than \$750 for each offense; and each day that the violation continues shall constitute a separate offense and is subject to a separate fine.

(C) Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the corporation counsel from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises.

(Ord. 15-56, passed 9-22-15)