

ORDINANCE NO. 2015-3

**AN ORDINANCE AMENDING TITLE 17 ENTITLED
"ZONING" OF THE INDIAN HEAD PARK MUNICIPAL CODE**

PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THIS 12TH DAY OF MARCH, 2015

Published in pamphlet form by authority of the
corporate authorities of the Village of Indian Head Park,
Illinois, the 12th day of March, 2015

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**AN ORDINANCE AMENDING TITLE 17 ENTITLED
“ZONING” OF THE INDIAN HEAD PARK MUNICIPAL CODE**

WHEREAS, Division 13 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-13-1, *et seq.*, authorizes the corporate authorities of the Village of Indian Head Park (the “Village”) to classify and regulate the use of land and the improvements thereto;

WHEREAS, the corporate authorities of the Village has adopted ordinances regulating the zoning of land and improvements to land within the Village, which ordinances are codified in Chapter 17 of the Indian Head Park Municipal Code;

WHEREAS, Section 17.24.070 of the Indian Head Park Municipal Code authorizes the corporate authorities of the Village to amend the ordinances codified in Chapter 17 of the Indian Head Park Municipal Code regulating the zoning of land and improvements to land within the Village;

WHEREAS, the corporate authorities of the Village deem it reasonable and prudent to periodically review the Chapter 17 of the Indian Head Park Municipal Code and make necessary amendments thereto;

WHEREAS, the corporate authorities of the Village find that it is in the best interest of the residents of the Village to amend the provisions of Chapter 17 of the Indian Head Park Municipal Code to reconcile the wording of prior amendments to the current wording of the chapter and to amend the regulations regarding buildable area, buildable height, fences, the scope of regulations and special uses;

WHEREAS, pursuant to the provisions of the Chapter 17 of the Indian Head Park Municipal Code the Village petitioned for the above text amendments to Chapter 17 of the Indian Head Park Municipal Code;

WHEREAS, the Planning and Zoning Commission considered the matter pursuant to a duly noticed public hearing on Tuesday, February 3, 2015; and

WHEREAS, the Planning and Zoning Commission, after considering all evidence and testimony at the public hearing, has filed its findings and recommendations with the corporate authorities of the Village, recommending approval of the text amendments described herein;

NOW, THEREFORE, be it ordained by the Village President and Board of Trustees of the Village of Indian Head Park, Cook County, Illinois as follows:

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 17.04.020.** Section 17.24.050 entitled “Purpose” of Chapter 17.04 entitled “Purpose” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.04.020 Purpose.

This title is adopted for the purpose of:

- A. Promoting the public health, safety, comfort, morals, convenience and general welfare;
- B. Securing adequate light, pure air and safety from fire and other dangers;
- C. Conserving the taxable value of land and Buildings throughout the Village;
- D. Dividing the entire Village into districts and classifying, restricting and regulating therein the location, construction, reconstruction, alteration and Use of Buildings, Structures and land for residence and other specified Uses;
- E. Avoiding or lessening congestion in the public Streets;
- F. Preventing the overcrowding of land through regulating and limiting the height and Bulk of Buildings hereafter erected as related to land area;
- G. Establishing, regulating and limiting the Building or setback lines on or along Streets, alleys, traffic ways, drives, parkways or property lines;

H. Regulating and limiting the intensity of the Use of Lot Areas, and regulating and determining the area of open spaces within and surrounding such Buildings;

I. Establishing standards to which Buildings or Structures therein shall conform;

J. Prohibiting Uses, Buildings or Structures incompatible with the character of the residence districts;

K. Preventing additions to and alterations or remodeling of existing Buildings or Structures in such a way as to avoid the restrictions and limitations imposed hereunder;

L. Providing for the gradual elimination of those Uses, Buildings and Structures which are incompatible with the character of the districts in which they are made or located, including, without being limited thereto;

1. Elimination of such Uses of unimproved lands or Lot Areas when the existing rights of the persons in possession thereof are terminated, or when the Uses to which they are devoted are discontinued;

2. Elimination of Uses to which such Buildings and Structures are devoted if they are adaptable for Permitted Uses;

3. Elimination of such Buildings and Structures when they are destroyed or damaged in major part. or when they have reached the age fixed by the corporate authorities of the municipality as the normal, useful life of such Buildings or Structures;

M. Providing for the acquisition by purchase, condemnation or otherwise of any Buildings or Structures which do not conform to the standards fixed by the Village;

N. Defining and limiting the powers and duties of the administrative officers and bodies as provided in this title;

O. Prescribing penalties for the violation of the provisions of this title or of any amendment thereto.

Section 3. Amendment of Chapter 17.08. Chapter 17.08 entitled "Definitions" of

Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

DEFINITIONS

Sections:

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17.08.040	Apartments.
17.08.050	Automobile Compound.
17.08.060	Awning.
17.08.070	Basement.
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17.08.010 Rules.

The language set forth in the text of this title shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular,
- B. The present tense includes the past and future tenses, and the future and present;
- C. The word "shall" is mandatory, while the word "may" is permissive;
- D. The masculine gender includes the feminine and neuter;

E. Whenever a word or term defined in this chapter appears in the text of this title, when the word is capitalized its meaning shall be construed as set forth in the definition thereof; and any word appearing in parentheses between a word and its definition in this chapter shall be construed in the same sense as that word; and

F. All measured distances expressed in feet shall be to the nearest integral foot. If a fraction is one-half or more, the integral foot next above shall be taken.

17.08.020 Definitions generally.

The following words and terms, wherever they occur in this title, shall be interpreted as here defined in this chapter.

17.08.030 Alley.

"Alley" means a public thoroughfare, which affords only a secondary means of access to abutting property.

17.08.040 Apartments.

See "Dwelling, Multiple-Family."

17.08.050 Automobile Compound.

"Automobile Compound" means any land area located on the Lot on which any residence is located, or on contiguous Lots on which duplex residences or Apartments are located, used or intended to be used for the storage of the private passenger automobiles of the occupants of the residences or Apartments.

17.08.060 Awning.

"Awning" means a roof-like cover temporary in nature which projects from the wall of a Building.

17.08.070 Basement.

"Basement" means a portion of a Building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

17.08.080 Board.

"Board" means the board of trustees, the corporate authorities of the Village.

17.08.090 Buildable Area.

"Buildable Area" means that portion of a Lot remaining after applying the appropriate Front Yard and Rear Yard setback provisions of this title.

17.08.100 Building.

"Building" means any Structure with substantial walls and roof securely affixed to land and entirely separated on all sides from any similar Structure by space or by walls in which there are no communicating doors, windows or similar openings.

17.08.110 Building, Accessory.

"Accessory Building" means a subordinate Building or portion of a Principal Building, the Use of which is incidental to that of the principal and customary in connection with that Use.

17.08.120 Building, Completely Enclosed.

"Completely Enclosed Building" means a Building separated on all sides from the adjacent open space or from other Buildings or Structures by a permanent roof and Party Walls and by exterior walls pierced by only windows and normal entrance or exit doors.

17.08.130 Building, Detached.

"Detached Building" means a Principal Building surrounded by open space on the same Lot.

17.08.140 Building Height.

"Building Height" means the vertical distance measured from the natural grade level at the middle of the front of the Building to the highest point of the Structure. Chimneys, spires, towers, and other similar projections shall not be included in calculating the heights of the Structure.

17.08.150 Building, Principal.

"Principal Building" means a non-Accessory Building in which is conducted the Principal Use of the Lot on which it is located.

17.08.160 Building, Residential.

"Residential Building" means a Building arranged, designed, used or intended to be used for residential occupancy by one or more families. Residential Buildings may include, but are not limited to, the following types:

A. Single-Family Detached Dwellings;

B. Two-Family Dwellings;

C. Multiple-Family Dwellings, and

D. A row or cluster of Single-Family or Multiple-Family Dwellings constructed as attached Structures whereby each Dwelling might be under individual ownership, or control of any or all Dwelling Units could be under a single owner or owned jointly by two or more individuals.

17.08.170 Building Site.

"Building Site" means the area of land occupied or intended to be occupied by a Building or Structure, including the Yards and courts required for light and ventilation, and such areas that are prescribed for access to the Street.

17.08.180 Building, Temporary.

"Temporary Building" means any Building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

17.08.190 Bulk.

"Bulk" is a composite characteristic of a given Building as located upon a given lot not definable as a single quantity, but involving all of the following characteristics:

- A. Size and height of Building;
- B. Location of exterior walls at all levels in relation to Lot Lines, Streets or other Buildings;
- C. Gross Floor Area of the Building in relation to Lot Area (Floor Area Ratio);
- D. All open spaces allocated to the Building;
- E. The amount of Lot Area provided per Dwelling Unit.

17.08.200 Business.

"Business" means an occupation, employment or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

17.08.210 Cellar.

"Cellar" means the portion of a Building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

17.08.220 Commission.

"Commission" means the Village's Planning and Zoning Commission.

17.08.230 Curb Level.

"Curb Level" means the level of the established curb in front of a Building or Structure measured at the center of such front Where no Curb Level has been established, it shall be deemed to be the established level of the center line of the Street surface in front of a Building or Structure measured at the center line of such front.

17.08.240 Dwelling.

"Dwelling" means a Residential Building or portion thereof, but not including hotels, motels, rooming houses, nursing homes, tourist homes or trailers.

17.08.250 Dwelling Unit.

"Dwelling Unit" means a group of rooms constituting all or part of a Dwelling which are arranged, designed, used or intended for Use exclusively as living quarters for one Family and an aggregate of not more than two roomers or boarders, and which include complete kitchen facilities permanently installed.

17.08.260 Dwellings, Attached.

"Attached Dwellings" (group, row and townhouses) means a Dwelling Unit which is joined to two other Dwellings by Party Walls.

17.08.270 Dwelling, Single-Family.

"Single-Family Dwelling" means a Dwelling containing one Dwelling Unit which is either detached, Semi-Detached Dwelling or Attached Dwelling.

17.08.280 Dwelling, Detached.

"Detached Dwelling" means a Dwelling which is entirely surrounded by open space on the same Lot.

17.08.290 Dwelling, Semi-Detached.

"Semi-Detached Dwelling" means a Dwelling which is joined to one other Dwelling by a Party Wall.

17.08.300 Dwelling, Two-Family.

"Two-Family Dwelling" means a Dwelling containing two Dwelling Units which are detached, Semi-Detached Dwelling or Attached Dwelling.

17.08.310 Dwelling, Multiple-Family.

"Multiple-Family Dwelling" means a Dwelling containing three or more Dwelling Units.

17.08.320 Family.

"Family" means one or more persons. each related to the other by blood, marriage or legal adoption, or a group of not more than three persons. not all so related, together with his or their domestic servants, maintaining a common household in a Dwelling Unit A Family may include not more than two roomers. boarders or permanent guests, whether or not gratuitous.

17.08.330 Fence.

"Fence" means an enclosure or Structure about a parcel of land, field or other space or about any object, any barrier such as a Structure of wood, brick, stone, steel or the like that is intended to prevent straying from within or intrusion therein. Also any Structure designed to mark or define an existing Lot Line or boundary. Also any Fence-like Structure including a trellis or gate placed within the confines of a parcel of land even for decorative purposes shall be considered a Fence under the terms of this title.

(§17.12.130 Housing for Domestic animals and §17.25.010 Provisions for handicapped and §17.12.120 Fencing)

17.08.340 Floor Area.

A. For the purposes of determining the Floor Area Ratio and conversions of existing Structures, "Floor Area" means the sum of the horizontal area of the floor space

contained in all floors, including a Basement floor, but not including a Cellar floor of a Building or Buildings on a Lot, measured in square feet from the exterior faces of the exterior walls of each Building, or from the center line of Party Walls separating two Buildings: Such Floor Area: shall also include:

1. Space devoted to elevator shafts and stairwells at each floor;
2. Floor space-used for mechanical equipment when the structural headroom exceeds seven feet, ten inches in height, except equipment such as bulkheads, water tanks and cooling towers when located on the roof, whether or not such equipment is in the open or enclosed;
3. Floor space in that part or a Half Story where headroom is seven feet, ten inches or more in height;
4. Floor space devoted to interior balconies, mezzanines and enclosed porches;
5. Floor space devoted to Accessory Uses in the Principal Building and in the Accessory Building or Buildings;
6. Floor space devoted to enclosed off-Street parking and off-Street loading.

B. For the purpose of determining off-Street parking and off-Street loading requirements, "Floor Area" means the sum of the gross horizontal areas of the several floors of the Building or portion thereof devoted to such Use requiring off-Street parking, and any Basement Floor Area devoted to Dwelling purposes, or to Business or professional offices. However, such Floor Area shall not include: Floor Area devoted primarily to storage purposes (except as otherwise noted in this title or Cellar Floor Area).

17.08.350 Floor Area Ratio.

"Floor Area Ratio" means the numerical value obtained through dividing the Floor Area of a Building or Buildings by the Net Lot Area on which such Building or Buildings are located.

17.08.360 Garage.

"Garage" means a shelter or repair shop for self-propelled vehicles.

17.08.370 Garage, Private.

"Private Garage" means an Accessory Building or an accessory portion of the Principal Building which is intended for and used for storing the private passenger vehicles and at most one commercial vehicles of not more than one-half ton load capacity, of each Family resident upon the premises, and in which no Business or industry connected directly or indirectly with the Motor Vehicles is carried on; provided further, that not more than one-half of the space may be rented for the storage of private passenger vehicles of persons not resident on the premises, except that all the space in a Private Garage of one or two-car capacity, may be so rented. Private Garages shall be classified according to their specific Use in one of the following groups:

A. Group 1. A Private Garage, whether attached or unattached, in which provision is made for storing four or less passenger Motor Vehicles;

B. Group 2. A Private Garage whether attached or unattached, in which provision is made for more than four passenger Motor Vehicles.

17.08.380 Garage, Public.

"Public Garage" means a Building or Structure for the, storage or parking of more than four passenger Motor Vehicles or motor boats, or more than one commercial Motor Vehicle, and in which provision may be made for the dispensing of gasoline, oil or similar products for the servicing of such vehicles. Public Garages shall be classified according to their specific Use in one of the following groups:

A. Group 1. A Public Garage in which provision is made for the sale, storage, repair or painting of Motor Vehicles;

B. Group 2. A Public Garage used exclusively for passenger vehicles, each vehicle accommodating not more than nine passengers.

17.08.390 Ground Floor Area.

"Ground Floor Area" means the Lot Area in square feet covered by a Single-Family Dwelling, measuring from the exterior faces of the exterior wall of the Building. Such area shall include only the area devoted to Dwelling purposes, including enclosed utility rooms on the ground floor of a Dwelling, and shall not include area devoted to Garage breezeway or carport.

17.08.400 Home Occupation.

"Home Occupation" means a gainful occupation or profession conducted by a member of a Family residing on the premises, and where the Business or profession is conducted within the Dwelling.

17.08.410 Kennel.

"Kennel" means any premises where domestic animals over four months of age are owned, boarded, bred and/or offered for sale.

17.08.420 Lodging Room.

"Lodging Room" means a room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom.

17.08.430 Lot.

"Lot" means a parcel of land, whether legally described or subdivided as one or more Lots or parts of Lots, located within a single block, and which is occupied by or intended for occupancy by one Principal Building or Principal Use, together with permitted Accessory Buildings and required open spaces, and having its principal frontage upon a Street.

17.08.440 Lot Area.

"Lot Area" means the area of a horizontal plane bounded by the vertical planes through front, side and Rear Lot Lines.

17.08.450 Lot, Corner.

"Corner Lot" means a Lot situated at the junction of and abutting on two or more intersecting Streets; or, a Lot at the point of deflection in alignment of a single Street, the interior angle of which is one hundred thirty-five degrees or less.

17.08.460 Lot Depth.

"Lot Depth" means the mean horizontal distance between the Front Lot Line and the Rear Lot Line of a lot measured within the lot boundaries.

17.08.470 Lot Line.

"Lot Line" means a property boundary line of any Lot held in single or separate ownership, except that where any portion of the Lot extends into the abutting Street or Alley, the Lot Line shall be deemed to be the Street or Alley right-of-way lines.

17.08.480 Lot Line, Front.

"Front Lot Line" means that boundary line of a Lot which is along an existing or dedicated Street Lot Line and which is established by the owner as a Front Lot Line. On Corner Lots, the owner may select either Street Lot Line as the Front Lot Line.

17.08.490 Lot Line, rear.

"Rear Lot Line" means that boundary of a Lot which is most distant from and is or is approximately parallel to the Front Lot Line. If the Rear Lot Line is less than ten feet in length, or if the Lot forms a point at the rear, the rear Lot shall be deemed to be a line ten feet in length within the Lot, parallel to and at the maximum distance from the Front Lot Line.

17.08.500 Lot Line, side.

"Side Lot Line" means any boundary of a Lot which is not a front or Rear Lot Line.

17.08.510 Lot, Reversed Corner.

"Reversed Corner Lot" means a Corner Lot, the Street-Side Lot Line of which is substantially a continuation of the Front Lot Line of the first Lot to its rear.

17.08.520 Lot, Through.

"Through Lot" means a Lot which has a pair of opposite Lot lines along two more or less parallel Streets and which is not a Corner Lot. On a Through Lot, both Street lines shall be deemed Front Lot Lines, except in the case of two or more contiguous Through Lots where there shall be a common Front Lot Line.

17.08.530 Motor Vehicle.

"Motor Vehicle" means any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public Streets.

17.08.540 Nameplate.

"Nameplate" means a Sign indicating the name and address of a Building or the name of an occupant thereof. and the practice of a permitted occupation therein.

17.08.550 Net Lot Area.

"Net Lot Area" means the area inside of Lot Lines. exclusive of Streets and Alleys.

60 Noxious Matter.

"Noxious Matter" means materials which are capable of causing injury or malaise to living organisms or are capable of causing detrimental effects upon the health or the psychological, social or economic well-being of human beings.

17.08.570 Parking Lot.

"Parking Lot" means a premise where three or more Motor Vehicles in running condition are parked, whether or not a fee is charged; and where parking of Motor Vehicle is primarily for continuous periods of less than twelve hours time; and where no equipment or parts are sold and Motor Vehicles are not processed. Rebuilt, serviced, repaired, hired or sold; and where fuel, grease, oil or other similar commodities are not dispensed.

17.08.580 Party Wall.

"Party Wall" means a wall starting from the foundation and extending continuously through all stories to or above the roof which separates one Building from another, and is in joint Use by each Building.

17.08.590 Performance Standard.

"Performance Standard" means a criterion to control noise, odor, smoke, toxic or Noxious Matter, vibration, fire and explosive hazards or glare or heat generated by or inherent in Uses of land or Buildings.

17.08.600 Planned Development.

"Planned Development" means a Lot, parcel or tract of land which is developed as an integrated unit and contains two or more Principal Buildings.

17.08.610 Playhouse.

"Playhouse" means a small Structure for children to play in.

17.08.620 Railing.

"Railing" means a device not more than thirty-six inches in height and at least fifty percent open, constructed of metal, masonry, composition or wood, which forms a decorative enclosure attached to a ground-level patio

17.08.630 Refuse.

"Refuse" means all waste products, resulting from human habitation, except storage.

17.08.640 Safety Railing.

"Safety Railing" means a device not more than forty-two inches in height and at least fifty percent open, constructed of metal, masonry, composition or wood designed to provide safety around a raised deck and/or stairs.

17.08.650 Screening.

"Screening" means a Structure erected or vegetation planted for concealing from viewers the area behind it

17.08.660 Shed.

"Shed" means a slight Structure built for storage but not shelter.

17.08.670 Sign.

"Sign" means a name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a Building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or Business. However, a Sign shall not include the following:

- A. Any display of official court or public office notices;
- B. The flag emblem or insignia of a nation, political unit, school or religious group;
- C. A Sign located completely within an enclosed Buildings, unless the context is intended to be viewed from a Street

17.08.680 Sign, Gross Surface Area of.

"Gross Surface Area of Sign" means the entire area within a single continuous perimeter enclosing the extreme limits of a Sign, and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements living outside the limits of such Sign and not forming an integral part of the display.

17.08.690 Stable, Private.

"Private Stable" means a stable is any Building which is located on a Lot on which a Dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private Use of occupants of the Dwelling.

17.08.700 Stable, Public.

"Public Stable" means a Building where horses are kept for remuneration, hire or sale.

17.08.710 Story.

"Story" means that portion of a Building included between the surface of any floor and the surface of the floor next above; or, if there is no floor above, the space between the floor and ceiling next above. A Basement shall be counted as a Story. A Cellar shall not be counted as a Story.

17.08.720 Story, Half.

"Half Story" means a space under a sloping roof which has the line of intersection of roof decking and wall not more than three feet above the top floor level, and in which space not more than sixty percent of the Floor Area is completed for principal or Accessory Use

17.08.730 Street.

"Street" (avenue, place, lane, road, boulevard, terrace, drive or parkway) means a right-of-way of required width, which affords a primary means of access to abutting property.

17.08.740 Structural Alterations.

"Structural Alterations" means any change, other than incidental repairs, in the supporting members of a Building or Structure, such as bearing walls, partitions, foundations, columns, beams or girders, or any substantial change in the roof or exterior walls.

17.08.750 Structure.

"Structure" means that which is built or constructed of interdependent parts in a definite pattern of organization. Anything erected, the Use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground. A Sign or other advertising device, detached or projecting, shall be construed to be a separate Structure.

17.08.760 Structure, Unattached.

"Unattached Structure" means a Structure unattached to any other Structure, and may include, but not be limited to, Building (including all variants defined herein and all related modifiers), Garage, Playhouse, Shed, Sign or other advertising device.

17.08.770 Toxic Material.

"Toxic Material" means a substance (liquid, solid or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

17.08.780 Treehouse.

"Treehouse" means a Structure (as a Playhouse) built among the branches of a tree.

17.08.790 Use.

"Use" means the purpose or activity for which the land or Building thereon is designed, arranged or intended, or for which it is occupied or maintained.

17.08.800 Use, Accessory.

"Accessory Use" means a subordinate Use which is clearly and customarily incidental to the Principal Use of a Building or premises, and which is located on the same Lot as the Principal Building or Use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.

17.08.810 Use, Nonconforming.

"Nonconforming Use" means any Use of a Building or premises which on the effective date of the ordinance codified in this title does not, even though lawfully established, comply with all of the applicable Use regulations of the zoning district in which such Buildings or premises are located.

17.08.820 Use, Permitted.

"Permitted Use" means any Building, Structure and Use which on the effective date of the ordinance codified in this title complies with the applicable regulations governing Permitted Uses of the zoning district in which such Building, Structure and Use is located.

17.08.830 Use, Principal.

"Principal Use" means the main Use of land or Building, as distinguished from a subordinate or Accessory Use.

17.08.840 Use, Special.

"Special Use" means any Building, Structure and Use which complies with the applicable regulations governing Special Uses.

17.08.850 Village.

"Village" means the Village of Indian Head Park, Illinois.

17.08.860 Yard.

"Yard" means an open space on a Lot which is unoccupied and unobstructed from its lowest level to the sky. A Yard extends along a Lot Line and at right angles to such line to a depth or width specified in the Yard regulations for the zoning district in which such Lot is located.

17.08.870 Yard, Front.

"Front Yard" means a Yard extending along the full width of and from the established Front Lot Line between Side Lot Lines to the front Building line in depth.

17.08.880 Yard, Rear.

"Rear Yard" means the portion of the Yard on the same Lot with the Principal Building located between the rear line of the Building and the Rear Lot Line and extending for the full width of the Lot.

17.08.890 Yard, Side.

"Side Yard" means a Yard extending along a Side Lot Line between the front and Rear Yards.

Section 4. Amendment of Chapter 17.12. Chapter 17.12 entitled "General Provisions" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

GENERAL PROVISIONS

Sections:

- 17.12.010 Interpretation.**
- 17.12.020 Separability.**
- 17.12.030 Scope of regulations.**
- 17.12.040 Allowable Use of land or Buildings.**
- 17.12.050 Prohibited Use of land or Buildings.**
- 17.12.060 Control over Bulk.**
- 17.12.070 Accessory Buildings and Uses.**
- 17.12.080 Special Uses.**
- 17.12.090 Yards in general.**
- 17.12.100 Permitted obstructions in required Yards.**
- 17.12.110 Floodplain area.**
- 17.12.120 Fences.**
- 17.12.130 Enclosures for housing domestic animals.**

17.12.010 Interpretation.

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

B. Where the conditions imposed by any provision of this title upon the:

1. Use of land or Buildings;
2. The Bulk of Buildings;
3. Floor Area requirements;
4. Lot Area requirements; and

5. Yard requirements are either more restrictive than comparable conditions imposed by any other provision of this title or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall govern.

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

D. No Building, Structure or Use not lawfully existing at the time of the adoption of the ordinance codified in this title shall become, or be made lawful solely by reason of the adoption of said ordinance, and to the extent that, and in any manner that said unlawful Building, Structure or Use is in conflict with the requirements of this title, said Buildings, Structure or Use remains unlawful hereunder.

E. Nothing contained in this title shall be deemed to be a consent, license or permit to Use any property, or to locate, construct or maintain any Building, Structure or facility, or to carry on any trade, industry, occupation or activity.

F. The provisions in this title are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in this title.

17.12.020 Separability.

It is declared to be the intention of the president and Board of the Village that the several provisions of this title are separable in accordance with the following:

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

B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this title to a particular property Building or other Structure such judgment shall not affect the application of said provision to any other property Building or Structure not specifically included in said judgment.

17.12.030 Scope of regulations.

It is declared that the provisions of this title shall apply to all properties as hereinafter specifically provided:

A. No Building or Structure or part thereof shall hereafter be erected, constructed, Reconstructed, enlarged, moved or structurally altered, and no Building, Structure or land shall hereafter be used, occupied or arranged or designed for Use or occupancy, nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations of this title for the zoning district in which such Building, Structure or land is located.

B. Except as may otherwise be provided, all Structural alterations or relocation of existing Buildings occurring hereafter and all enlargements of or additions to existing Uses occurring hereafter shall be subject to all regulations herein which are applicable to the zoning districts in which such Buildings, Uses or land shall be located.

C. Not more than one principal detached Residential Building shall be located on a zoning Lot, nor shall a principal attached Single-Family Dwelling Residential Building be located on the same zoning Lot with any other Principal Building, except in the case of Planned Developments and other Special Uses.

D. More than one principal Detached Building, other than Residential Buildings, may be located on a zoning Lot, provided the requirements of this title are met separately for each individual Use. Lot Area, or other criteria, used to satisfy one Use cannot be counted again and used to satisfy a separate Use, except in the case of a Planned Development.

E. No land which is located in a residential district shall be used for driveway, walkway or access purposes to any land which is located in a commercial or industrial district, or used for any purpose not permitted in a residential district, except in the case of Planned Developments.

17.12.040 Allowable Use of land or Buildings.

The following Uses of land or Buildings are allowed in the districts indicated in Chapters 17.32 through 17.108 under the conditions specified in this title:

- A. Uses lawfully established on the effective date of the ordinance codified in this title;
- B. Permitted Uses as designated in Chapters 17.32 through 17.108;
- C. Special Uses.

17.12.050 Prohibited Use of land or Buildings.

No Building or tract of land shall be devoted to any Use other than one which is specified as a permitted or Special Use in the zoning district as specified in Chapters 17.32 through 17.108 in which such Building or land is located.

17.12.060 Control over Bulk.

A. All new Buildings shall conform to the Bulk regulations established in this section for the district in which each Building is located. Further, no existing Building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict, or to further conflict with the Bulk regulations of this section for the district in which such Building shall be located.

B. Where two or more permitted or Special Uses, each requiring a minimum Lot Area, are provided in the same Building or on the same Lot, the required Lot Area shall be the sum of the areas required for each Use individually.

C. No improved zoning Lot shall hereafter be divided into two or more zoning Lots unless all improved zoning Lots resulting from each such division shall conform to all the applicable Bulk regulations of the zoning district in which the property is located. If a Lot is built upon under one Building permit, then divided for selling purposes, it can only be so divided if each saleable Village's subdivision regulations.

D. All Yards and other open spaces allocated to a Building or Buildings shall be located on the same zoning Lot as such Building or Buildings.

17.12.070 Accessory Buildings and Uses.

A. Accessory Uses shall be compatible with the Principal Use and shall not be established prior to the establishment of the Principal Use and shall not include the keeping, propagation or culture of pigeons, poultry or livestock whether or not for profit.

Private in-ground swimming pools shall be permitted Accessory Uses in any residence district, provided they conform to the regulations of this title and other applicable ordinances of the Village.

B. No Accessory Building, unless it is structurally a part of the Principal Building, and, unless it conforms with requirements of Accessory Buildings for Special Uses, shall be erected or altered at or within the required area for front, side or Rear Yard of the Lot as set forth in the district.

C. No Accessory Building shall have more than one Story, nor exceed seventeen feet in height, unless otherwise permitted as accessory to authorized Special Uses.

17.12.080 Special Uses.

A. To provide for the location of certain Uses hereinafter specified, which are deemed desirable for the public welfare within a given district or districts, but which might have an adverse effect upon nearby properties or upon the character and future development of the district in which they are located, a classification of Special Use is established. Procedures for Special Uses are set forth in Chapter 17.32.

B. Where a Use exists on the effective date of the ordinance codified in this title and it is classified as a Special Use by said ordinance, it shall be considered to be a lawful Special Use. Additions or alterations to existing Buildings or land improvements for expansion of lawful Special Uses may be made within the area of the Lot included in the ownership existing at the time of adoption of said ordinance, and they shall be subject to Yard, Floor Area Ratio and Building Height requirements set forth in this title for Permitted Uses in the districts in which they are located.

C. If the Special Use ceases for a period of more than one year, the Special Use permit shall be void and the Special Use cannot again be started. A Special Use permit may authorize one or more Special Uses, in accordance with the terms of the special permit.

D. On each Lot in R-1 residential zoning districts, at most only one Unattached Structure can be erected in addition to the Principal Building; such Unattached Structure shall be regarded as an Accessory Use and will be permitted under provisions of "Special Uses" as regulated by this title, as amended, and by additional requirements specified in the Building code, as amended, and the property maintenance code, as amended.

17.12.090 Yards in general.

A. The minimum Yard space required for one Structure shall not again be considered as Yard space for another adjoining Structure.

B. No Lot shall be reduced in area so that the Yards or other open spaces become less than required by this title.

C. On a vacant through or Corner Lot, either of the Lot Lines abutting a Street right-of-way line may be established as its Front Lot Line, except that where two or more Through Lots are contiguous and a front line has been duly established, the same

Street Lot Line shall thereafter be deemed to be the Front Lot Line of all contiguous Lots. On a Through Lot, a Front Yard shall be provided along any Lot abutting a Street.

D. Unattached Structures such as Private Garages, Playhouses and Sheds designated as an Accessory Use may be permitted in R-1 residential zoning districts only as a "Special Use" and shall be regulated by provisions in this title, as amended, the Building code, as amended, and the property maintenance code, as amended.

E. For the purpose of establishing permitted obstructions, any Yard which adjoins a Street shall be considered a Front Yard, except where otherwise provided.

F. Unattached Structures as permitted within the provisions for Special Use in this title shall be considered nonconforming upon failure to comply with all criteria specified for Garages, Playhouses and Sheds in the Building code, as amended, and the property maintenance code, as amended, and shall be subject to the nonconforming provisions of Section 17.16.040(H).

G. On Corner Lots, no Structures or plant materials shall obstruct a clear path of Motor Vehicle driver's vision of approaching vehicles within a triangular area determined by a diagonal line connecting two points measured thirty-five feet equidistant from the Street corner of the two intersecting Street lines.

H. All required front, interior side, corner side and Rear Yards shall be unobstructed from ground level to the sky, except as allowed in Sections 17.12.100, 17.36.130 and 17.40.130. All Structures which are attached to Principal Buildings (as attached Garages) shall comply with the Yard requirements of the principal Building.

17.12.100 Permitted obstructions in required Yards.

A. In Any Yards. Ornamental light standards and flagpoles.

B. Rear Yards. Private in-ground swimming pools, recreational equipment, laundry drying equipment and Fences as permitted in Section 17.12.120.

C. Any obstructions not specifically stated in this Section, or as applicable in Chapter 15.27 or Sections 17.12.120, 17.36.130, or 17.40.130 as permitted obstructions in required Yards, will not be permitted except by variation.

17.12.110 Floodplain area.

In the continuous area and three feet beyond such area adjacent to a stream, stream bed or other natural drainage basin or channel whose elevation, including also any land of higher elevation having an area of less than ten acres which is completely surrounded by land having an elevation equal to or lower than the flood crest elevation or land which is wholly or partially in flood plain as defined by ordinance, no Building or Structure shall be erected unless a Building Site not lower than the applicable high water elevation plus 2.0 feet (1) exists on the front part of the Lot or parcel or (2) will be built up during excavation of the subdivision improvement plan through general excavation and filling, or (3) can be provided with excavation taken from within the area or Lot or parcel when it is built upon. The high water elevation shall be the flood levels as established by Village ordinance by the most recent and best available data and information listed in the MSD manual of Procedures, Article 5, "Construction within the Floodplain"

17.12.120 Fences.

Fences are prohibited except as follows:

A. Boundary Fences constructed prior to March 31, 1964 shall be deemed a permitted Nonconforming Use. The permitted Nonconforming Use will be allowed to continue for a period not to exceed ten (10) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such Nonconforming Uses shall not be increased, enlarged, extended or altered except that the Use may be changed to a conforming Use.

B. Fence enclosures which screen Refuse containers on commercial properties, but only as large as necessary to screen in the Refuse container.

C. Those Fence enclosures required pursuant to Section 17.12.130 of this Code.

D. Those Fences which enclose a recreational area in a Planned Development.

E. Those Fence enclosures located on municipal property.

F. Swimming pool Fences which comply with the standards of Section 15.21.060 (D) of this Code.

G. On residential Lots located immediately adjacent to (or separated only by a Street or public highway right-of-way from) a Lot or parcel designated and zoned under a Business district designation under Section 17.28.110 (B) of this Code, but only upon the following conditions:

1. That the Fence shall be constructed only along and within five feet of the boundary of said Lot which is adjacent to (or separated only by a Street or public right-of-way from) the Lot or parcel designated and zoned under a Business district designation;

2. That the Fence shall be no more than eight feet in height;

3. That the Fence shall be constructed only of weather-resistant wood, including cedar, redwood or treated lumber or similar low maintenance synthetic material; and

4. That the materials and design of any repairs to or replacement of a Fence shall be identical to those of the Fence so repaired or replaced, but the height may be altered.

5. That the Fence shall be screened from adjoining property with evergreen plants and shall be placed with the finished side facing out.

H. Fences required as a reasonable accommodation for a person with a disability, in accordance with the American with Disabilities Act (42 U.S.C. § 12101, et seq.) and the Fair Housing Amendments Act (42 U.S.C. § 3601, et seq.), which comply with the provisions of Chapter 17.25 of this Code.

I. Those required for safety as determined and upon such terms and conditions as may be imposed following the procedures for variations in this Title.

(§17.12.130 Housing for Domestic animals and §17.25.010 Provisions for handicapped , §17.08.310 Fence, Ordinance 08-16, Ordinance 08-17 creating §17.25

Reasonable Accommodation For Individuals With Disabilities, and Ordinance 08-18 relating to Fencing in Swimming Pools 15.21.06 Swimming Pools.)

17.12.130 Enclosures for housing domestic animals.

Such enclosures are to have a maximum enclosed area of seventy-five square feet. The enclosed area shall be entirely floored by a poured concrete slab. Such enclosure slab must be surrounded by a suitable Fence, and shall be no further than two feet from the Principal Building. No portion of the enclosure shall be located in, or shall encroach upon the Side Yard setback, Rear Yard setback or Front Yard setback. The enclosure must be provided with running water permanently available within five feet of the enclosure, and drainage connected to the Building sanitary sewer or other sanitary disposal system as approved by the Building department. All enclosures shall provide shelter for the enclosed animal. Construction of all such enclosures will require a Building permit and approval of the Village Building department.

Section 5. Amendment of Chapter 17.16. Chapter 17.16 entitled “Nonconforming Buildings, Structures and Uses” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

NONCONFORMING BUILDINGS, STRUCTURES AND USES

Sections:

- 17.16.010 Statement of purpose.**
- 17.16.020 Authority to continue nonconforming Buildings, Structures and Uses.**
- 17.16.030 Exempted Buildings, Structures and Uses.**
- 17.16.040 Restrictions on nonconforming Buildings, Structures and Uses thereof.**
- 17.16.050 Condemnation of nonconforming Buildings, Structures and Fences.**
- 17.16.060 Nonconforming Use of Buildings or Structures.**
- 17.16.070 Nonconforming Use of land.**

17.16.010 Statement of purpose.

The purpose of this section is to provide for the regulation of Nonconforming Uses, Buildings and Structures, and to specify those circumstances and conditions under which those nonconforming Buildings, Structures and Uses shall be gradually eliminated upon reaching the end of their respective normal useful life, in accordance with the authority granted by Illinois Compiled Statutes, , Chapter 65, Section 11-13-1.

17.16.020 Authority to continue nonconforming Buildings, Structures and Uses.

Any nonconforming Building, Structure or Use which existed lawfully at the time of the adoption of the ordinance codified in this title and which remains nonconforming,

and any such Building, Structure or Use which shall become nonconforming upon the adoption of said ordinance, or of any subsequent amendment thereto, may be continued, some indefinitely, others for specified and respective periods of time, subject to the regulations which follow in this chapter.

17.16.030 Exempted Buildings, Structures and Uses.

No Building, Structure or Use lawfully established on the effective date of the ordinance codified in this chapter shall be subject to the amortization provisions of this section solely by reason of being nonconforming with respect to the standards prescribed in this title for any of the following:

- A. Floor Area Ratio;
- B. Yards---Front Yard, Side Yard, Rear Yard or transitional;
- C. Lot Area per DwellingUnit;
- D. Lot width;
- E. Ground Floor Area per Dwelling;
- F. Gross Floor Area;
- G. Building Height;
- H. Off-Street parking;
- I. Performance Standards.

No Dwelling lawfully existing on the effective date of the ordinance codified in this title shall be subject to the amortization provisions of this section.

17.16.040 Restrictions on nonconforming Buildings, Structures and Uses thereof.

Any lawfully existing Building or Structure which does not conform with the regulations of the district in which it is located shall be subject to the provisions of this section.

A. Repairs and Alterations. Ordinary repairs and alterations may be made to a nonconforming Building or Structure, provided that no Structure alterations shall be made in or to such Building or Structure all or substantially all of which is designed or intended for a Use not permitted in the district in which it is located, except those required by law, or except to make the Building or Structure and Use thereof conform to the regulations of the district in which it is located. For the purpose of this section, ordinary repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement

B. Additions and Enlargements. A nonconforming Building or Structure which is nonconforming as to Bulk, or all or substantially all of which is designed or intended for a Use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such nonconforming Building or Structure and Use thereof, including all additions and enlargements hereto, is made to conform to all the regulation of the district in which it is located.

C. Moving. No Building or Structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to any

other location, unless every portion of such Building or Structure is moved and elevation of the ground under it is restored to natural grade of the Lot; and the Use thereof is made to conform to all regulations of the district into which such Building or Structure is moved.

D. Restoration of Damaged Nonconforming Building. A Building or Structure, all or substantially all of which is designed or intended for a Use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent of the cost of restoration to the entire Building or Structure new, shall not be restored unless said Building or Structure and the Use thereof shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty percent of the cost of restoration of the entire Building or Structure new, no repairs or reconstruction shall be made unless such restoration is started within six months from the date of the partial destruction and is diligently prosecuted to completion.

E. Discontinuance of Use of Nonconforming Building or Structure. A Building, Structure, or portion thereof, all or substantially all of which is designed or intended for a Use which is not permitted in the district in which it is located, and which is vacant on the effective date of the ordinance codified in this title or thereafter becomes vacant and remains unoccupied, or has not been used for a continuous period of one hundred eighty days, shall not thereafter be occupied or used, except by a Use which conforms to the Use regulations of the district in which it is located.

F. Expansion of Use in Nonconforming Building or Structure. The Nonconforming Use of a part of a Building or Structure may be expanded within the Building or Structure in which said Use is presently located, but no changes or Structural alterations shall be made, unless such changes or Structural alterations and the Use thereof conform to all the regulations of the district in which the Building or Structure is located.

G. Change of Use in Nonconforming Building or Structure. The Nonconforming Use of a Building or Structure may be changed to a Use permitted in the district in which the Building or Structure is located, or to a Use permitted in a more restrictive district; but no change shall extend or otherwise modify any provision made in this ordinance for elimination of such nonconforming Building or Structure and the Use thereof.

H. Elimination of Nonconforming Buildings and Structures. In an R-1 district any Principal Building or Structure, all or substantially all of which is designed or intended for a Nonconforming Use, shall be removed or it shall be altered, remodeled or converted to a Building or Structure designed for a Use permitted in the district in which it is located within six months after the termination of the respective periods of time set forth hereafter which are fixed as the normal useful life of said Buildings and Structures.

1. Assessed Valuation More Than Five Thousand Dollars on the Effective Date of the Ordinance Codified in This Title. In accordance with the types of construction classifications set forth in the Building code of the Village.

- a. Fireproof Construction and Noncombustible Construction. Twenty-five years from effective date of said ordinance.
- b. Exterior Masonry Wall Construction. Twenty years from effective date of said ordinance.
- c. Frame Construction. Ten years from effective date of said ordinance;
- 2. Assessed Valuation at Least Two Thousand Dollars, But Not More Than Five Thousand Dollars. Two years from May 15, 1984, or the date of the property's annexation into the Village, whichever is later;
- 3. Assessed Valuation Under Two Thousand Dollars and Any Unassessed Structures. Six months from May 15, 1984, or the date of the property's annexation into the Village, whichever is later.
- 1. Unattached Private Garages, Playhouses and Sheds. Unattached Private Garages, Playhouses and Sheds, as hereinbefore defined, and constructed after May 14, 1984, shall be exempt from being designated as a Nonconforming Use and shall not be subject to the amortization provisions of this title, as amended, provided said unattached Private Garages, Playhouses and Sheds meet and maintain all criteria as specified in this title as well as the Building code, as amended, and the property maintenance code, as amended.

17.16.050 Condemnation of nonconforming Buildings, Structures and Fences.

A. The Village, at any time and from time to time, by ordinance duly enacted and in accordance with the authority vested in it by Ill. Rev. Stat 1957. Ch. 24, Sec. 73-11:

- 1. May acquire by purchase, condemnation or otherwise any Buildings or Structures which do not conform to the standards fixed by the corporate authorities of the Village pursuant to Ill. Rev. Stat. 1957. Ch. 24. Sec. 73-1. and all land which is necessary or appropriate for the rehabilitation or redevelopment of any area blighted by substandard Buildings or Structures;
- 2. May remove or demolish all such substandard Buildings and Structures so acquired;
- 3. May hold and Use any remaining property for public purpose;
- 4. May sell, lease or exchange such property as is not required for public purposes, subject to the provisions of this title or any amendment thereto.

B. No such acquisition by condemnation shall be made until such time as the Commission, at the request of the president and the Board, or upon its own initiative, shall have made a study of the area within which such nonconforming Building or Structure is located, and shall have filed a written report on such study with the president and the Board.

17.16.060 Nonconforming Use of Building or Structures.

The lawfully existing Nonconforming Use of part or all of a Building or Structure, all or substantially all of which Building or Structure is designed or intended for a Use permitted in the district in which it is located, may be continued, subject to the following provisions:

A. Expansion of Nonconforming Use. The Nonconforming Use of a part of a Building or Structure, all or substantially all of which Building or Structure is designed or intended for a Use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such Building or Structure, nor changed to any other Nonconforming Use.

B. Discontinuance. If a Nonconforming Use of a Building or Structure, all or substantially all of which Building or Structure is designed or intended for a Use permitted in the district in which it is located, is discontinued for a period of ninety days, it shall not be renewed; and any subsequent Use of the Building or Structure shall conform to the Use regulations of the district in which the premises are located.

C. Change of Nonconforming Use. No Nonconforming Use shall be changed to another Nonconforming Use when such Nonconforming Use is located in a Building or Structure, all or substantially all of which Building or Structure is designed or intended for a Permitted Use.

D. Elimination of Nonconforming Uses. In all residence districts, any Use which lawfully exists at the adoption of the ordinance codified in this title, and which is located in a Building, all or substantially all of which is designed or intended for a residential purpose, shall be entirely discontinued, and shall thereafter cease operation within five years from the date of adoption of said ordinance.

17.16.070 Nonconforming Use of land.

The Nonconforming Use of land not involving a Building or Structure, or in connection with which any Building or Structure thereon is incidental or accessory to the Principal Use of the land, may be continued subject to the following provisions:

A. Expansion. A Nonconforming Use of land shall not be expanded or extended beyond the area it occupies.

B. Discontinuance. If a Nonconforming Use of land is discontinued for a period of six consecutive months, it shall not thereafter be renewed, and any subsequent Use of land shall conform to the regulations of the district in which the land is located.

C. Change of Use. A Nonconforming Use of land shall not be changed to any other Use, except to a Use permitted in the district in which the land is located.

D. Elimination of Nonconforming Use of Land. The Nonconforming Use of land shall be discontinued and cease in accordance with the following:

1. Where no Building or Structures are employed in connection with such Use, discontinued within one year;

2. Where the only Buildings or Structures or other physical improvements employed are accessory or incidental to such Use and have an assessed valuation of not more than two thousand dollars on the effective date of the ordinance codified in this title, discontinued within one year;

3. Where the improvements, underground or substantially at ground level, which comprise all or substantially all of the improvements employed in a Nonconforming Use of land, and which have an assessed valuation of more than two thousand dollars on the effective date of said ordinance, discontinued within two years;

4. Where a Nonconforming Use of land is accessory to the Nonconforming Use of a Building or Structure discontinued on the same date on which the Nonconforming Use of the Buildings or Structure is discontinued.

Section 6. Amendment of Chapter 17.20. Chapter 17.20 entitled “Off-Street Parking and Loading” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

OFF-STREET PARKING AND LOADING

Sections:

- 17.20.010 General requirements.**
- 17.20.020 Applicability of parking requirements.**
- 17.20.030 Business Use.**
- 17.20.040 Location.**
- 17.20.050 Computation.**
- 17.20.060 Sharing of space.**
- 17.20.070 Structure.**
- 17.20.080 In Yards.**
- 17.20.090 Design, development and maintenance.**
- 17.20.100 Required spaces.**
- 17.20.110 Off-Street loading space.**

17.20.010 General requirements.

A. Any off-Street parking space in connection with existing Buildings or Structures on the effective date of the ordinance codified in this title shall not be removed, enlarged or altered, except in conformance with the requirements of this chapter.

B. The duty to provide and maintain off-Street parking space shall be the joint and/or separate responsibility of the operator and/or owner of the Use and/or land for which off-Street parking space is required to be provided and maintained.

C. For land, Structures or Uses actually used, occupied or operated on the effective date of the ordinance codified in this title, there shall be provided such off-Street parking space as was required for such land, Structures or Uses by any previous ordinance. If such land, Structures or Uses are enlarged, expanded or changed, there shall be provided for that increment of expansion only at least the amount of off-Street parking space that would be required hereunder if the increment were a separate land Structure or Use established or placed into operation after the effective date of said ordinance.

D. All off-Street parking space, whether provided in accordance with the provisions of this title, or in accordance with the provisions of any former ordinance, shall be maintained as required by this chapter.

E. For all Uses established or placed into operation after the effective date of the ordinance codified in this title, there shall be constructed, provided, preserved and maintained the amount of off-Street parking space set forth in this chapter.

F. Parking and loading spaces for all types of Uses may be provided either in garages or open parking areas conforming to the provisions of this chapter.

G. Parking may be with or without charge.

17.20.020 Applicability of parking requirements.

In connection with any Building or Structure which is to be erected or substantially altered and which requires off-Street parking spaces, there shall be provided such off-Street parking space in accordance with regulations set forth in this chapter.

17.20.030 Business Use.

Except as may be otherwise provided for the parking of trucks or for Special Uses, required off-Street parking facilities required as accessory to Uses listed in this Chapter shall be solely for the parking of passenger automobiles of patrons, occupants or employees.

17.20.040 Location.

Off-Street parking spaces shall be located on the same Lot as the Use served.

A. In all residential districts, parking facilities shall be located on the same Lot or Lots with the Building they are required to serve.

B. In all Business or institutional districts, parking facilities shall be located within three hundred feet of the Building they are required to serve.

17.20.050 Computation.

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

17.20.060 Sharing of space.

No Use shall be considered as individually having provided off-Street parking space which is shared with one or more other Uses, unless the schedules of operation of all such Uses are such that none of the Uses sharing the space requires the off-Street parking space at the same time as the other Use sharing the space.

17.20.070 Structure.

Enclosed Buildings and carports containing off-Street parking shall be subject to applicable Yard requirements.

17.20.080 In Yards.

A. Residential Districts. Off-Street parking spaces may be located in Yards, except required Front Yards and Side Yards adjoining a Street.

B. Business Districts.

1. Front Yard. No vehicle shall be parked in any Front Yard, except upon a regularly constructed driveway. Parking Lots may be allowed in the Front Yard if authorized by the Commission and, provided that the district does not require that the Front Yard be landscaped and devoted to no other Use, and further provided that the parking is in accord with all other ordinance provisions;

2. Side and Rear Yard. Parking space that is open to the sky may be located in a required side or Rear Yard, but only if an unobstructed space of at least three feet is left along the Lot Line.

If the specified district regulations are more permissive, their requirements shall apply;

3. Parkway. No parking shall be permitted between the property line and the curb line or edge of the pavement.

17.20.090 Design, development and maintenance.

Every parcel of land hereafter Used as a public or private parking area, including a commercial Parking Lot and also an automobile or trailer sales Lot, shall be designed, developed and maintained in accordance with the following requirements:

A. Open and Enclosed Parking Spaces. Accessory off-Street parking spaces located on the same Lot as occupied by the Use served may be open to the sky or enclosed in a Building.

B. Surfacing. All open off-Street parking areas shall be graded for proper drainage and shall be improved with a compacted macadam base, or equal, not less than four inches thick and surfaced with asphaltic concrete or comparable hardsurfaced, all-weather, dustless material, as approved by the Board.

C. Screening and Landscaping. All Business, commercial and institutional off-Street parking area containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any residential or institutional property by a densely planted, compact hedge not less than five feet in height at maturity, and wheelstops of masonry, steel or heavy timber shall be placed not nearer than five feet from the Street line or from Side Lot Lines.

D. Lighting. Illumination of an off-Street parking area shall be arranged so as not to reflect direct rays of light into adjacent residential districts and Streets. All lighting shall be extinguished no later than midnight daily, except as may otherwise be authorized by the Board.

E. Repair and Service. No Motor Vehicle repair work of any kind shall be permitted in off-Street parking areas. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities.

F. Size. A required off-Street parking space shall be at least nine feet in width and at least twenty feet in length, exclusive of access drives, aisles, ramps, columns and office or work area. Such space shall have vertical clearance of at least seven feet.

G. Access. Each required off-Street parking space shall open directly upon an aisle or a driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-Street parking facilities shall be provided with appropriate means of vehicular access to a Street, Alley or driveway in a manner

which will least interfere with traffic movement. A parking area containing four or more off-Street parking spaces shall have vehicular access to it over a Street, Alley or driveway containing all-weather, hard-surfaced pavement, and the location and route of access to such a parking area shall be identified. No driveway across public property shall have a width exceeding twenty-four feet, exclusive of curb returns.

H. Attendant Buildings. A Business or institutional parking area may not have more than one attendant shelter Building conforming to all setback requirements for Structures in the district in which it is located.

I. Approval of Grading Plans. All proposals for new construction for all outdoor automobile parking space or expanding existing parking areas shall be referred to the Village engineer for approval of grading plans and/or drainage Structures related to the control and removal of storm water run-off as it may affect adjacent properties, water courses and public rights-of-way. The Village engineer shall inform the department of Building and zoning of its approval or recommended changes. No permits shall be issued until these changes are reflected in a revised grading plan and/or drainage Structure.

J. Wheel Guards. Business and commercial parking areas shall be provided with wheel guards or bumper guards so located that no part of parked vehicles will extend beyond the parking space.

17.20.100 Required spaces.

Off-Street parking spaces accessory to designated Uses shall be provided as follows:

A. Single-Family Dwellings-R-I, R-2 Residence Districts. At least one off-Street parking space for each Dwelling, plus an additional off-Street parking space for each two roomers or lodgers accommodated, but no more than three enclosed off-Street parking spaces for each Single-Family Dwelling on one-half acre or less of land. One additional parking space will be permitted for each additional half acre Lot size in excess of one-half acre.

B. Other Residence Districts. As required in Chapters 17.32 through 17.64.

C. Recreational Buildings or Community Centers. At least one off-Street parking space shall be provided for each three employees, plus spaces in adequate number as determined by the Board to serve the visiting public.

D. Public Utility and Public Service Uses. At least one off-Street parking space for each three employees, plus additional off-Street parking spaces in adequate number as determined by the Board to serve the visiting public.

E. Business Districts. One parking space shall be provided for each two hundred feet of gross Floor Area.

F. Other Uses. Off-Street parking spaces on the same basis as required in this chapter for the most similar Use as determined by the Board.

17.20.110 Off-Street loading space.

A. The provisions of this section shall apply and govern in all districts.

B. Off-Street loading space shall be required and maintained in connection with any Buildings or part thereof hereafter erected or altered, which is to be occupied by Uses

requiring the receipt or distribution of materials or merchandise.

C. Location.

1. Off-Street loading space shall be located on the same Lot as the Structure for which provided;

2. Off-Street loading may occupy all or any part of any required Yard space, other than the Front Yard or Side Yard adjoining a Street;

3. Off-Street loading spaces that adjoin or are across the Street from the property zoned for any residential Use shall have a dense planting screen or such other Screening as may be determined by the Commission. The Commission shall also determine the height, location and density of Screening used to provide adequate protection to adjoining property;

4. No permitted or required loading berth shall be located within thirty feet of the nearest point of intersection of any two Streets.

D. The duty to provide the off-Street loading space required in this chapter shall be the joint and/or separate responsibility of the operator and owner of the Structure or Structures for which off-Street loading space is required to be provided.

E. Design, Development and Maintenance. Every parcel of land hereafter used for off-Street loading space shall be designed, developed and maintained in accordance with the following requirements:

1. Shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies;

2. Shall be graded for proper drainage and provided with an all-weather surfacing material capable of bearing a line load of two hundred pounds per square foot, and shall be maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris;

3. Shall be provided with entrances and exits not less than twelve feet in width, and so designed and located as to minimize traffic congestion;

4. No portion of a vehicle shall project into a Street or Alley while being loaded or unloaded;

5. Unless otherwise specified, a required off-Street loading berth shall be at least ten feet in width by at least twenty feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen feet;

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

7. Uses for which off-Street loading facilities are required in this chapter, but which are located in Buildings of less Floor Area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by Motor Vehicle off any adjacent Alley, service drive or open space on the zoning Lot

F. Amount of Space Required. At least the following amounts of off-Street loading space shall be provided, plus an area or means adequate for maneuvering, ingress and egress:

Floor Area of

Establishment in Thousands of Square Feet	Required Number and Size of Berths
5 to 10	1 - (10 ft x 25 ft.)
10 to 25	2 - (10 ft x 25 ft. ea.)
25 to 40	2 - (12 ft x 65 ft. ea.)
40 to 100	3 - (12 ft x 65 ft. ea.)

For each additional two hundred thousand square feet of Floor Area, one additional loading berth shall be provided; such additional berth to be at least twelve feet in width by sixty-five feet in length.

G. Modifications. The Commission may authorize a modification, reduction or waiver of the foregoing requirements. If it should find that in the particular case appealed the peculiar nature of the Business, trade, industry or other Use or the exceptional situation or condition would justify such action.

Section 7. **Amendment of Section 17.22.040.** Section 17.24.040 entitled “Tree Removal Permit” of Chapter 17.22 entitled “Preservation of Mature Trees” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.22.040 Tree Removal Permit.

Permits authorizing the removal of trees may be issued by the Village in accordance with, but not necessarily limited to, the following conditions:

a) When removal is necessary to observe good forestry practice, with consideration given to the species of the tree, location, conditions, age, safety, historic and aesthetic value of the tree, and optimizing the number of healthy trees a given parcel of land will support; or when such removal is in accordance with a Village approved landscape management plan.

b) When the tree, due to natural circumstances, is dead or irreversibly declining, is in danger of falling, is too close to existing Structures so as to endanger such Structures, interferes with utility service, creates unsafe vision clearance, or constitutes a health hazard. In instances where a permit is sought pursuant to this subsection, and where no additional services or inspections are required by the Village, the fee for a tree removal permit will be waived and no tree survey will be required.

(C) When a tree is located within the original buildable area of a Lot as defined under the terms of Title 17 of this Code. Neither the replacement requirements of Section 17.22.050 nor the permit fee of Section 17.22.060(5) shall apply to the removal of any tree under this subsection, unless the corporate authorities impose such requirements as part of an application for variance or other zoning relief under Title 17 of this Code.

The Director of Administration and Public Safety ("Director") shall be authorized to issue permits pursuant to this Chapter, with the input of the Superintendent of Public Works and the Village Engineer, as the Director deems necessary.

Section 8. **Amendment of Section 17.22.060.** Section 17.24.060 entitled "Permit Application Procedure" of Chapter 17.22 entitled "Preservation of Mature Trees" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

17.22.060 Permit Application Procedure.

Persons seeking a tree removal permit pursuant to this chapter shall submit their application in the form required and provided by the Village. The Village may require that an application pursuant to this chapter include any or all of the following:

1. A written statement indicating the reason for removal of the tree(s);
2. A general statement of the tree(s) to be removed, including species and size;
3. A tree survey of the Lot, showing the location and species of all trees of 3 inches DBH and larger;
4. A tree preservation plan indicating the trees to be preserved and the methods to be used to preserve such trees; and
5. A permit fee in amount as set forth in Chapter 3.30, except as otherwise expressly waived pursuant to the other provisions of this Chapter. One permit application and the payment of one permit fee shall authorize the removal of all trees indicated in the permit, provided that all such trees are located on the same parcel.

Section 9. **Amendment of Section 17.22.070.** Section 17.24.070 entitled "Permit Issuance; Appeal" of Chapter 17.22 entitled "Preservation of Mature Trees" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

17.22.070 Permit Issuance; Appeal.

The Village shall issue a permit upon approval of the application and payment of the required fee. The Village shall render a decision on a permit application within ten (10) Business days of its receipt of a properly completed application. The Village may extend this review period only for good cause and upon notice to the applicant. Any person aggrieved by any decision of the Director of Administration and Public Safety, the Department of Public Works or the Village Engineer in the denial of any permit application or the enforcement of any terms or provisions of this chapter may, within ten (10) days after the date of the decision, appeal to the Mayor and Board by filing a written notice of appeal with the Village Clerk. The notice shall set forth concisely the decisions and the reasons or grounds for the appeal. Reasonable notice of the hearing shall be provided by the Village Clerk to all adjacent property owners. The Board may affirm,

modify or reverse the decision. The decision of the Board shall be final, and no petition for rehearing or reconsideration shall be available.

Section 10. Amendment of Section 17.22.110. Section 17.24.110 entitled “Tree Protection” of Chapter 17.22 entitled “Preservation of Mature Trees” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.22.110 Tree Protection.

If work is to be accomplished pursuant to a development or a Building permit, the following tree protection measures shall be taken for the preservation of existing trees on the site for which a tree removal permit is not obtained:

a) Protective fencing is required for protection of any tree to be preserved in place within fifteen (15) feet of any construction or construction material or construction equipment storage and is to be shown on the tree preservation plan, notwithstanding property ownership delineations. All required protective fencing must be in place and approved by the Village before a Building permit will be issued. All fencing must remain in place during the entire construction. All fencing must be secured to metal posts driven into the ground and spaced no further than ten (10) feet apart. Fencing shall not be removed or relocated unless authorized in writing by the Village. The approved tree preservation plan shall be available on the Building Site before work commences and always during construction of the project. The general contractor shall be responsible for giving written notice of the tree preservation plan and tree removal permit to all contractors or subcontractors prior to their coming onto the site.

b) Pumping of concrete for the foundation or other protective measures such as crown pruning and root pruning may be required by the Village if necessary for preservation of the existing trees. These measures must be indicated on the tree preservation plan.

c) During construction all reasonable steps necessary to prevent the destruction or damaging of trees to be preserved in place shall be taken.

d) During construction unless otherwise authorized by the tree preservation plan, no excess soil, additional fill, equipment, liquids or construction debris shall be placed within the root zone of any tree that is required to be preserved in its present location.

e) No attachments, Fences or wires, other than approved materials for bracing, guying or wrapping, shall be attached to any vegetation during the construction period.

f) All measures shall be taken to maintain the health of trees which are transported to the site.

Section 11. Amendment of Section 17.22.140. Section 17.24.140 entitled "Planned Unit Developments" of Chapter 17.22 entitled "Preservation of Mature Trees" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

Section 17.22.140 Planned Developments.

Nothing in this Chapter shall prevent the Village from imposing different requirements for the removal and/or replacement of trees, including corresponding permit fees, in connection with a new Planned Development. A new Planned Development for purposes of this section shall be any Planned Development in which the public improvements and/or common areas have not yet been dedicated to the governing association of the development.

Section 12. Amendment of Section 17.22.145. Section 17.24.145 entitled "Existing Planned Unit Developments" of Chapter 17.22 entitled "Preservation of Mature Trees" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

7.22.145 Existing Planned Developments.

An existing Planned Development shall be defined as any duly approved Planned Development within the Village that does not qualify as a new Planned Development as defined in Section 17.22.140. Existing Planned Developments shall be exempt from the terms and conditions of this Chapter 17.22, except as provided in this section. Existing Planned Developments must comply with the following requirements:

A) Any tree to be removed within the Planned Development shall be replaced in accordance with the following minimum standards: any tree having a DBH of not less than 6.0 inches but not greater than 10.0 inches shall be replaced with a new tree having a DBH of 1.0 to 1.5 inches, and any tree having a DBH of greater than 10.0 inches shall be replaced with a new tree having a DBH of not less than 2.0 inches. The species or variety of replacement trees and the location of replacement trees shall be at the discretion of the governing body of the Planned Development. Nothing in this subsection shall require the replacement of a tree that which would not otherwise be required to be replaced under this Chapter.

B) On or before April 1, 2001, and on or before April 1st of every year thereafter, each existing Planned Development must submit a tree landscape plan to the Village on a form to be provided by the Village, which sets forth the development's plans for the removal and replacement of any trees for the upcoming twelve month period.

C) On or before January 31, 2001, and on or before January 31st of every year thereafter, each existing Planned Development must submit a tree landscape summary report to the Village on a form to be provided by the Village, which shall include a summary of the tree removal and replacement activities within the development over the previous calendar year.

D) On or before January 31" of every year, each existing Planned Development shall pay to the Village clerk an annual fee of twenty five dollars (\$25), provided that if the development has not removed any trees during the previous calendar year, the annual fee shall be waived for that year.

Section 13. Amendment of Section 17.24.010. Section 17.24.010 entitled "Certificates and occupancy permits" of Chapter 17.24 entitled "Administration" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.010 Certificates and occupancy permits.

A. Zoning Certificates. No permit pertaining to the Use of land or Buildings shall be issued unless the Building inspector has certified, after examination, that it complies with all provisions of this title.

B. Occupancy Permits. No land shall be occupied or used and no Building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building inspector stating that the Building complies with all the Building and health laws and ordinances and with the provisions of this title.

C. Permit for Change of Use. No change of Use shall be made in any Building or part thereof now or hereafter erected or altered without a permit having been issued by the Building inspector, and no permit shall be issued to make such change unless it is in conformity with the provisions of this title and amendments thereto.

D. Continuance of Present Occupancy. Nothing in this section shall prevent the continuance of the present occupancy or Use of any existing Building, except as may be necessary for the safety of life and property. Certificate for occupancy and compliance shall be applied for coincident with the application for a Building permit and shall be issued within thirty days after the erection or alteration of such Building has been satisfactorily completed. A record of all certificates shall be kept on file in the office of the Building inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the Building affected.

Section 14. Amendment of Section 17.24.020. Section 17.24.020 entitled "Duties of the building inspector" of Chapter 17.24 entitled "Administration" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.020 Duties of the Building inspector.

The Building inspector of the Village, or other officials that have been or shall be duly appointed by the Board, shall enforce this title, and, in addition thereto, and in furtherance of said authority, shall:

A. Issue all certificates of occupancy and make and maintain records thereof;

B. Conduct inspections of Buildings, Structures and Uses of land to determine compliance with the terms of this title;

C. Maintain permanent and current records to the ordinance codified in this title, including, but not limited to, all maps, amendments, Special Uses, variations, appeals and applications therefor;

D. Provide such clerical and technical assistance as may be required by the Commission in the exercise of its duties.

Section 15. **Amendment of Section 17.24.030.** Section 17.24.030 entitled “Plan commission” of Chapter 17.24 entitled “Administration” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.030 Planning and Zoning Commission.

A. Jurisdiction and Authority. The Commission shall have the following jurisdiction and authority under this title:

1. To receive from the Village clerk copies of all application for amendments or Special Uses which have been introduced into the Board, and submit reports to the Board setting forth its findings and recommendations in the manner prescribed in this section for amendments and Special Uses;

2. To initiate, direct and review from time to time studies of the provisions of this title, and to make reports of its recommendations to the Board,

3. To hear and recommend to the Board appeals from any order, requirements, decision or determination made by the Building inspector under this title:

4. To hear and recommend to the Board variations from the terms provided in this title in the manner and subject to the standards set forth in this section;

5. To hold public hearings in matters pertaining to applications for Special Uses, variations and amendments, and submit reports to the Board setting forth its findings and recommendations in the manner prescribed in this section for Special Uses and amendments;

6. To hear and recommend to the Board all matters referred to it or upon which it is required to pass under this title.

Section 16. **Amendment of Section 17.24.040.** Section 17.24.040 entitled “Zoning board of appeals” of Chapter 17.24 entitled “Administration” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.040 Commission Meetings; Notices.

A. All meetings of the Commission shall be held at the call of the chairman, and

at such other times as the Board may determine. All testimony by witnesses at any hearing provided for in this title shall be given under oath. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating the fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Commission shall immediately be filed in the office of the Village clerk, and shall be of public record;

B. The Commission shall post or publish notices as required by statute and this title pertaining to Special Uses and proposed amendments to the regulations imposed and the districts created by this title, and to make a written report and recommendation to the Board on any such proposed amendments or Special Uses.

Section 17. Amendment of Section 17.24.050. Section 17.24.050 entitled “Appeals.”

of Chapter 17.24 entitled “Administration” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.050, Appeals.

A. Authority. The Commission shall hear and decide appeals from an administrative order, requirement, decision or determination made by the Building inspector or other authorized officials of the Village relating to regulations of this title.

B. Initiation. An appeal may be taken to the Commission by any person, firm or corporation, or by any office, department, board, bureau or commission aggrieved by an administrative order, requirement, decision or determination under this title by the Building inspector or other authorized official of the Village.

C. Processing. An appeal in triplicate with the required fee shall be filed with the village clerk. The Village clerk shall forward such appeal to the Commission for processing in accordance with applicable statutes of the state of Illinois, forward one copy to the Building inspector and retain one copy for the Village clerk's files.

D. Decisions. All decisions, after hearing of the Commission on appeals from an administrative order, requirement, decision or determination of the Building inspector or other authorized official of the Village, shall, in all instances, be recommendations to the Board. All decisions of the Board on appeals from an administrative order, requirement, decision or determination of the Building inspector or other authorized official of the Village, shall, in all instances, be final administrative determinations, and shall be subject to judicial review only in accordance with applicable statutes of the state of Illinois.

Section 18. Amendment of Section 17.24.060. Section 17.24.060 entitled “Variations” of Chapter 17.24 entitled “Administration” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.060 Variations.

A. Authority. The Commission shall make recommendations to the Board for variations of the provisions of this title in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Commission shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this title.

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

C. Processing.

1. An application for a variation in triplicate with the required fee shall be filed with the Village clerk. The Village clerk shall forward such application to the Commission for processing in accordance with applicable statutes of the state of Illinois, forward one copy to the Building inspector and retain one copy for the Village clerk's file;

2. No variation shall be recommended by the Commission unless there shall be a notice of time and place of the hearing published at least once, not more than thirty nor less than fifteen days before the hearing, in one or more newspapers with a general circulation within Village.

D. Decisions. All final administrative decisions and findings of the Commission on variations arrived at after the hearing shall be recommendations to the Board. All decisions of the Board on variations shall be final, subject only to judicial review in accordance with applicable statutes of the state of Illinois.

E. Standards.

1. The Commission shall not recommend a variance from the provisions of this title as authorized in this section unless it shall have made findings based upon the evidence presented to it in the following specific cases:

a. As to commercial properties, the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located,

b. The plight of the owner is due to unique circumstances,

c. The variation, if granted, will not alter the essential character of the locality;

2. For the purpose of supplementing the above standards, the Commission, in making this determination whenever there are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

a. The particular physical surroundings, shape or topographical conditions of the

specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out,

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

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

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

e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located,

f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood;

3. The Commission may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this title.

F. Authorized Variations. The variations from the regulations of this title may be recommended by the Commission only in accordance with the standards set forth in this section, and only in the following instances and no others:

1. To permit a Yard less than the Yard required by the applicable regulations.

2. To permit the Use of a Lot not of record on the effective date of the ordinance codified in this title for a Use otherwise prohibited solely because of the insufficient area of the Lot, but in no event shall the area of the Lot be less than ninety percent (90%) of the required Lot Area.

3. To permit Parking Lots to be illuminated between the hours of nine thirty p.m. and seven a.m.

4. To permit the same off-Street parking spaces to qualify as required spaces for two or more Uses, provided that the maximum Use of such facility by each user does not take place during the same hours or on the same days of the week.

5. To increase by not more than twenty-five percent the maximum distance that required parking spaces are permitted to be located from the Use served.

6. To allow any permitted nonresidential Use in a residence district to exceed the Floor Area Ratio imposed by the applicable regulations.

7. To allow for a reasonable accommodation for an individual with a disability in accordance with Chapter 17.25 of this title.

Section 19. Amendment of Section 17.24.070. Section 17.24.070 entitled “Amendments” of Chapter 17.24 entitled “Administration” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.070 Amendments.

A. Authority. The regulations imposed and the districts created under the authority of this title may be amended from time to time by ordinance in accordance with applicable statutes of the state of Illinois. An amendment shall be granted or denied by the VillageBoard only after a public hearing before the Commission, and a report of its findings and recommendations has been submitted to the VillageBoard. Notice of the time and place of such public hearing shall be given, not more than thirty nor less than fifteen days before the hearing, by publishing a notice thereof at least once in one or more newspapers with a general circulation within Village.

B. Initiation of Amendment. Amendments may be proposed by the VillageBoard, by the Commission or by any resident of or owner of property in the Village.

C. Processing. An application for an amendment in quadruplicate with the required fee shall be filed with the Village clerk and thereafter forwarded to the Board by the Village clerk.. A copy of the application shall also be forwarded to the Commission with a request to hold a public hearing and to prepare a report of its findings and recommendations relative thereto after the Commission has received and studied the report and recommendations of the Village staff. The Commission shall thereafter submit a report of its findings and recommendations to the Board. A copy of the application shall be forwarded to the Building inspector and one copy retained for the Village clerk's files.

D. Decisions. The Board, upon report of Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable statutes of the state of Illinois, or may refer it back to the Commission for further consideration.

E. Reasonable Accommodations. If an amendment to this title is proposed by an individual with a disability in order to request a reasonable accommodation in accordance with the American with Disabilities Act (42 U.S.C. § 12101, *et seq.*) and the Fair Housing Amendments Act (42 U.S.C. § 3601, *et seq.*), the procedure outlined in Chapter 17.25 of this title shall apply.

Section 20. Amendment of Section 17.24.080. Section 17.24.080 entitled “Special uses” of Chapter 17.24 entitled “Administration” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.080 Special Uses.

A. Purpose. The development and execution of the zoning ordinance codified in this title is based upon the division of the Village into districts, within anyone of which the Use of land and Buildings and the Bulk and location of Buildings or Structures, as related to the land, are essentially uniform. It is recognized, however, that there are Special Uses which because of their unique character cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those Uses upon neighboring lands and upon public need for the particular Use or the particular location. Such Special Uses fall into two categories:

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

B. Authority. Special Uses shall be authorized or denied by the Board in accordance with statutes of the state of Illinois applicable to amendments of this title, and the regulations and conditions set forth in this title for Special Uses. No application for a Special Use shall be acted upon by the Board until after:

1. A written report is prepared by the Commission in a manner prescribed herein for amendments to this title; and
2. A public hearing has been held by the Commission, after due notice by publication, as provided by the statutes of the state of Illinois for amendments, and its findings and recommendations have been reported to the Board.

C. Initiation. An application for a Special Use may be made by any person, firm or corporation or by any office, department, board, bureau or commission, requesting or intending to request a zoning certificate.

1. Petition to Construct New Unattached Structures.
 - a. Filing of an application for permit, submission of construction planes) for the Unattached Structure, a plan of the property showing the location and orientation of the Principal Building as well as the Unattached Structure, and a list of owner names and addresses of each contiguous property,
 - b. Fees and costs shall be as specified in Section 17.24.090 plus any applicable Building fees if project proceeds to the construction phase,
 - c. Review of request and all required documents by the Commission,
 - d. Recommendation(s) by the Commission to the Board,
 - e. Referral by the Board to the Commission to hold a public hearing,
 - f. Recommendation(s) by the Commission to the Board,
 - g. The Board shall review all documents and render a final decision,

h. The Board shall notify the Building department of its decision and instruct the Building department on the implementation of its decision;

2. Unattached Structures in existence before May 15, 1984 on real estate parcels within the original boundaries of the Village on the date of incorporation and Unattached Structures in existence on real estate parcels annexed into the Village after April 1, 1964 shall be subject to provisions of Section 17.16.040(H) and any requests for variances shall follow the procedures as specified below.

a. Filing of an application for a variance for permission to retain said Unattached Structure(s) in its (their) location(s), submission of a sketch showing present location(s) with dimensions relative to rear and Side Lot Lines, and other documentation as requested on the application,

b. The Village shall waive the payment of all review and permit fees in this instance,

c. Submission of a list of owner names and addresses of each adjacent property,

d. Review of all documents by the zoning and Building code enforcement officers shall assist the Board in requesting the Commission to hold a public hearing on the matter,

e. Recommendation(s) by the Commission to the Board,

f. The Board shall review all documents and render a final decision specifying the course of action the owner must take,

g. The Board shall notify the Building department of its decision and instruct the Building department on the implementation of its decision.

D. Processing. An application for a Special Use, in such form and accompanied by such information as shall be established from time to time by the Commission, shall be filed in triplicate with the required fee, with the Village clerk and thereafter processed in the manner prescribed heretofore for applications and amendments.

E. Decisions. The Board, upon report of the Commission and without further hearing, may authorize or deny an application for a Special Use in accordance with the statutes of the state of Illinois applicable to amendments, or may refer it back to the Commission for further consideration. A Special Use shall not be authorized by the Board unless the Special Use:

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

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

3. Would not cause substantial injury to the value of other property in the neighborhood in which it is located.

F. Conditions. The Commission may recommend, and the Board may provide, such conditions and restrictions upon the construction, location and operation of a Special Use, including, but not limited to, provisions for off-Street parking and loading as may be deemed necessary to promote the general objectives of this ordinance and to minimize the injury to the value of the property in the neighborhood.

1. Planned Developments. Planned Developments are of such substantially different character from other Special Uses that specific and additional standards and

exceptions are set out to govern the recommendations of the Commission and the action of the Board in all cases except R-6, general residence district.

a. Use Exceptions. In the case of residential Planned Developments, the Commission may recommend, and the Board may authorize, that there be in part of the area of such development and for the duration of such development, specified Uses not determined or permitted by the Use regulations of the district in which said development is located, provided that the Commission shall find:

i. That the Uses permitted by such exception are necessary and desirable and are appropriate with respect to the primary purpose of the development,

b. The Uses permitted by such exception are not of such nature or so located as to exercise

a detrimental influence on the surrounding neighborhood, and

c. Not more than twenty percent of the ground area or of the Floor Area of such development would be devoted to the Uses permitted by said exceptions;

2. Bulk Regulations. In the case of any Planned Development, the Commission may recommend, and the Board may authorize exceptions to the applicable Bulk regulations of this title within the boundaries of such development, provided that the Commission shall find:

a. That such exception would be solely for the purpose of promoting a unified site plan.

b. The overall Floor Area Ratio of a residential Planned Development would not exceed by more than fifteen percent that prescribed in this title for the district in which it is located.

c. The minimum Lot Area per Dwelling Unit requirements of this ordinance would not be decreased by more than fifteen percent in any such development containing residential Uses, and that there shall be available to each Residential Building and immediately adjacent thereto, including the land upon which it is erected, the minimum amount of land area required for such Building under the Lot Area per Dwelling Unit provisions of this title.

d. Spacing between Principal Buildings shall be at least equivalent to such spacing as would be required between Buildings similarly developed under the terms of this ordinance on separate Lots, due consideration being given to the openness normally afforded by intervening Streets and Alleys, and

e. Along the periphery of such Planned Development, Yards to be provided not less than those required by the regulations of the district in which said development is located.

G. Decisions. The Board, upon report of the Commission and without further hearing, may authorize or deny an application for a Special Use in accordance with the statute of the state of Illinois applicable to amendments, or may refer it back to the Commission for further consideration. No Special Use shall be authorized by the Board, unless the Special Use:

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

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

3. Would not cause substantial injury to the value of other property in the neighborhood in which it is located.

Section 21. Amendment of Section 17.24.090. Section 17.24.090 entitled “Fees and costs-Deposits” of Chapter 17.24 entitled “Administration” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.090 Fees and costs-Deposits.

Each person submitting an application for amendment, variation or Special Use shall be responsible for all fees and costs in connection with the proceedings. Every person submitting an appeal under Section 17.24.050 shall be responsible for all fees and costs in connection with the appeal. Every application for amendment, variation or Special Use shall be accompanied at the time of filing by 17.24.090 payment of the appropriate fee and a deposit for estimated costs. Every appeal under Section 17.24.050 shall be accompanied by a deposit for estimated costs.

A. Fees. The fees to be paid for processing application are as follows:

Amendment-Change in Zoning Map	
Less than one acre	as set forth in Chapter 3.30
One to five acres	as set forth in Chapter 3.30
More than five acres	as set forth in Chapter 3.30
Amendment-Textual Change	as set forth in Chapter 3.30
Amendment - Existing Planned Development	as set forth in Chapter 3.30
Special Use Permit	
Residential	as set forth in Chapter 3.30
Commercial	as set forth in Chapter 3.30
Special Use - Detached Structure	
Residential	as set forth in Chapter 3.30
Commercial	as set forth in Chapter 3.30
Special Use-Creation of New Planned Development	as set forth in Chapter 3.30
Special Use-Existing Structures Specified in Section 17.24.080(C)(2)	No fee or costs
Variation	

Residential (non PUD)	as set forth in Chapter 3.30
Commercial (non PUD)	as set forth in Chapter 3.30
Existing PUD (Awning and deck additions only) (as defined in Section 15.22.010)	as set forth in Chapter 3.30
Existing PUD (all other zoning matters)	as set forth in Chapter 3.30

B. Costs. The costs incurred by the Village for which a person submitting an application is responsible are as follows:

1. Actual costs of publication;
2. Posting of Sign giving public notice, as set by resolution;
3. Actual postage incurred for mailing notices;
4. Expenses of furnishing secretary to attend hearing and prepare transcript as set by resolution;
5. Fees charged by Building inspector, as set by resolution;
6. Fees charged by Village's engineer or review of reports and related services;
7. Reproduction costs for copies of materials for hearing(s) as set by resolution;
8. Legal fees charged by Village attorney in preparing documents, reports and related services;
9. Any other charges or fees incurred by the Village in connection with the proceedings.

C. Deposit for Estimated Costs. The Board from time to time may establish estimates of costs for various proceedings. If the Board has not established an estimate of costs for the requested proceedings, the Village administrator or his or her designee shall prepare an estimate of costs reasonably anticipated in connection with the particular proceedings requested by the application. The person submitting the application shall deposit, at the time of submitting the application, an amount equal to the estimate of costs. All costs to the Village shall be applied against the deposit. At the time proceedings are completed, any portion of the deposit in excess of costs shall be refunded to the person making the application and any costs in excess of the deposit shall be immediately due and payable from said person. No amendment, variation or Special Use shall be effective until all such costs have been paid. The person making application shall be responsible for all costs irrespective of whether the relief sought is granted in full or in part or is denied.

Section 22. **Amendment of Section 17.24.100.** Section 17.24.100 entitled "Violation, penalty, enforcement" of Chapter 17.24 entitled "Administration" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.100 Violation, penalty, enforcement.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this title, shall, upon conviction, be fined not less than fifty dollars, nor more than five hundred dollars for each offense, provided however that any person, firm or corporation who receives a Special Use permit or variance from the Village and subsequently violates, disobeys, omits, neglects or refuses to comply with, or who refuses the enforcement of any conditions placed on the Special Use permit or variance, shall, upon conviction, be fined not less than one hundred dollars, nor more than two thousand dollars or the maximum allowed by law for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The Building inspector, or such other individual as may be designated by the mayor, is designated and authorized to enforce this title.

Section 23. Amendment of Section 17.24.120. Section 17.24.120 entitled “Posting notice of public hearing on subject property” of Chapter 17.24 entitled “Administration” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.120 Posting notice of public hearing on subject property.

In addition to any other requirements set forth in this chapter or in the statutes of the state of Illinois, in connection with an application seeking any variation, amendment affecting only a particular parcel of real estate, or a Special Use (except for Planned Developments), the Village administrator shall, at least seven days prior to the required public hearing, cause to be posted, notice thereof in the form of a Sign on the property which is the subject of the zoning request; in the case of a petition for a Special Use involving a Planned Development, the Sign shall be posted fifteen days prior to the required public hearing. The Sign shall (1) be no less than three feet high and four feet wide, and contain the following text in letters no less than three inches in height: “ZONING PETITION PENDING - VILLAGE OF INDIAN HEAD PARK - [current Village telephone number]” ; and (2) face and be visible from any road or Street right-of-way adjacent to the subject property. Neither the public hearing, the zoning application nor any action taken therein shall be set aside, invalidated, impaired, limited or otherwise affected by or because of the failure to post said Sign or the failure of the Sign to remain in place for the entire applicable seven- or fifteen-day period prior to the public hearing.

Section 24. Amendment of Section 17.24.130. Section 17.24.130 entitled “Notice by mailing to neighboring owners” of Chapter 17.24 entitled “Administration” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.24.130 Notice by mailing to neighboring owners.

In addition to any other requirement set forth in this chapter or in the statutes of the state of Illinois, in connection with an application seeking any variation, amendment affecting only a particular parcel of real estate or a Special Use (including but not limited to Planned Developments and planned. unit developments), the Village shall:

A. Identify the owners of all parcels of real estate located within two hundred feet of the property for which the application is submitted. In identifying said owners, the Village may rely upon anyone or a combination of:

1. The names appearing on county tax records, including, but not limited to, the persons to whom the latest general real estate tax bills were sent;

2. Listings of owners supplied by a condominium or homeowners association;

3. Current published telephone directories;

4. Village records reflecting the names of owners; and

5. Any other reasonably reliable sources;

B. Send written notice by regular mail, postage prepaid, of the time and place of the public hearing to each of the owners identified in subsection A of this section, not less than fifteen days prior to the public hearing;

C. Neither the public hearing, the zoning application, nor any action taken thereon shall be set aside, invalidated, impaired, limited or otherwise affected by or because of:

1. The failure to properly identify an owner of a parcel of real estate, or the parcel itself, lying within two hundred feet of the property for which the application is submitted; or

2. The failure of any owner to receive written notice;

D. All costs incurred by the Village under this section shall be reimbursed by the person submitting the application, as set forth in Section 17.24.090.

Section 25. Amendment of Chapter 17.25. Chapter 17.25 entitled “Reasonable Accommodations for Individuals with Disabilities” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

Sections:

17.25.010	Individual with disability.
17.25.020	Application.
17.25.030	Notice.
17.25.040	Hearing.
17.25.050	Decision of Board.
17.25.060	Recording of Ordinance and Summary Report.
17.25.070	Restoration of premises.

17.25.010 Individual with disability.

In accordance with the American with Disabilities Act (42 U.S.C. § 12101, *et seq.*) and the Fair Housing Amendments Act (42 U.S.C. § 3601, *et seq.*), an individual with a disability is defined as an individual who: (a) has a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (b) has a record of such impairment; or (c) is regarded as having such impairment.

An individual meets the requirement of being “regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the American with Disabilities Act (42 U.S.C. § 12101, *et seq.*) because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. An individual shall not meet the requirements of being regarded as having a physical or mental impairment if the impairment is transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six (6) months or less.

The terms used in this Section shall be interpreted in accordance with the American with Disabilities Act (42 U.S.C. § 12101, *et seq.*).

17.25.020 Application.

In order to be afforded an equal opportunity to use and enjoy housing, an individual with a disability may apply for a reasonable accommodation requesting a variation or amendment of a requirement of this Title 17 or any other section of the Indian Head Park Municipal Code applicable to housing or the Use of land. The individual with a disability or the parent, guardian or legal representative of an individual with a disability requesting the accommodation shall file an application with the Village Clerk.

The application shall describe:

- (a) the name and address of the applicant;
- (b) the name of the individual with a disability if different from the applicant;
- (c) the common address, legal description and property index number of the real estate or which an accommodation is requested;
- (d) the accommodation requested;
- (e) the impairment for which the accommodation is requested;
- (f) the prognosis of the timeframe for which the accommodation will be required; and
- (g) a report of a physician, as that term is defined by the Illinois Medical Practice Act of 1987 (225 ILCS 60/1 *et seq.*), or a clinical psychologist, as that term is defined by the Illinois Clinical Psychologist Licensing Act (225 ILCS 15/1 *et seq.*), detailing the impairment for which the accommodation is requested, the necessity of the accommodation, and the prognosis of the timeframe for which the accommodation will be required.

The Village Clerk shall forward all applications for a reasonable accommodation to the Commission for hearing.

17.25.030 Notice.

Notice of the hearing shall be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing in one or more newspapers with a general circulation in the Village. If the accommodation requested involves the variation or amendment of a provision of this Title 17, notice complying with the requirements of Sections 17.24.120 and 17.24.130 shall be provided.

17.25.040 Hearing.

A. The Commission shall conduct a public hearing. The Commission shall receive evidence and/or testimony regarding and shall make findings of fact based upon the evidence and/or testimony presented. The applicant shall have the burden of establishing that:

(1) the individual for whom the reasonable accommodation is requested is an individual who:

(a) has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(b) has a record of such impairment; or

(c) is regarded as having such impairment, provided however, that subsequent to January 1, 2009, an individual who meets the definition of disability based solely upon being "regarded as having such impairment" need not be provided with a reasonable accommodation; and

(2) whether or not the accommodation requested is:

(a) reasonable;

(b) necessary; and

(c) affords the individual with a disability an equal opportunity to use and enjoy housing, and

(3) the prognosis of the timeframe for which the accommodation will be required. Once an applicant has established that:

(1) the individual for whom the reasonable accommodation is requested is an individual who:

(a) has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(b) has a record of such impairment; or

(c) is regarded as having such impairment; provided, however, that subsequent to January 1, 2009, an individual who meets the definition of disability based solely upon being "regarded as having such impairment" need not be provided with a reasonable accommodation; and

(2) whether or not the accommodation requested is:

(a) reasonable;

(b) necessary; and

(c) affords the individual with a disability an equal opportunity to use and enjoy housing, and

(3) the prognosis of the timeframe for which the accommodation will be required, a request for a reasonable accommodation may only be denied if the evidence

and/or testimony thereafter establishes unreasonableness or undue hardship in the particular circumstances. A requested accommodation shall be found unreasonable if it imposes undue financial or administrative burdens on the Village, or if the requested accommodation is so at odds with the Building, zoning or other applicable code that it would require a fundamental alteration to the code.

The Commission may request such evidence and testimony as is required to make its findings of fact, including, but not limited to, the testimony of a physician, as that term is defined by the Illinois Medical Practice Act of 1987 (225 ILCS 60/1 *et seq.*), or a clinical psychologist, as that term is defined by the Illinois Clinical Psychologist Licensing Act (225 ILCS 15/1 *et seq.*), retained by the applicant who provided the report accompanying the application, the report or testimony of an independent physician, as that term is defined by the Illinois Medical Practice Act of 1987 (225 ILCS 60/1 *et seq.*), or a clinical psychologist, as that term is defined by the Illinois Clinical Psychologist Licensing Act (225 ILCS 15/1 *et seq.*) retained by the Village regarding the impairment for which the accommodation is requested, the necessity of the accommodation, and the prognosis of the timeframe for which the accommodation will be required.

B. After an applicant for a reasonable accommodation has presented its evidence and/or testimony, the Commission may evaluate the applicant's request, considering the applicant's requested accommodation and make a recommendation to the applicant as to the accommodation that is most appropriate based upon the evidence presented. The Commission's recommendation may propose a modified or different accommodation than the accommodation proposed by the applicant if the evidence presented indicates that a requested accommodation is unreasonable or poses an undue hardship in the particular circumstances. If the Commission's recommendation proposes a modified or different accommodation than the accommodation proposed by the applicant, the applicant may accept the Commission's recommendation or may elect to provide additional evidence in support of the applicant's original request or an amended request. The Commission shall make proposed findings of fact based upon the accommodation that, pursuant to the evidence and/or testimony presented, it finds it meets the standards set forth herein.

If the Commission finds that a Fence is required as a reasonable accommodation for an individual with a disability, the Commission shall impose the following conditions upon the installation of such a Fence:

- (1) The Fence shall be a minimum of five feet in height at walk grade level;
 - (2) The Fence shall be constructed of a wrought-iron or aluminum material or other corrosion-resistant material approved by the Building inspector;
 - (3) The Fence shall give the appearance of being a wrought iron Fence with vertical fencing sufficiently close so as to prevent a child from passing through the verticals;
 - (4) The Fence shall not have spikes or pointed ends on the top of the Fence;
- and
- (5) Heavy Screening shall be provided in the form of landscaping consisting of a hedge comprised of pines, evergreens, or such other shrubbery which does not lose its leaves in winter. The evergreen bushes used in Screening the Fence will be spaced in

such a manner as to maintain the health and integrity of the bushes while effectively Screening the Fence from view. The evergreen bushes shall be a minimum of five feet in height at the time of installation, and shall have an expected height at maturity of at least ten feet. Such Screening shall be subject to the final approval of the Village Building inspector; and the Screening shall be maintained so long as the Fence exists.

C. The Commission shall not approve a request for a reasonable accommodation unless it shall have made findings, based upon the evidence and/or testimony presented to it, on the following specific issues:

(1) The individual for whom the reasonable accommodation is requested is an individual who:

(a) has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(b) has a record of such impairment; or

(c) is regarded as having such impairment; , provided however, that subsequent to January 1, 2009, an individual who meets the definition of disability based solely upon being "regarded as having such impairment" need not be provided with a reasonable accommodation; and

(2) The accommodation requested is reasonable;

(3) The accommodation requested is necessary; and

(4) The accommodation requested affords the individual with a disability an equal opportunity to use and enjoy housing.

The Commission shall forward its findings of fact to the Board for consideration.

17.25.050 Decision of Board.

The Board, upon receipt of the proposed findings of fact of the Commission, and without further public hearing, shall grant an application for a reasonable accommodation if upon a review of the record before the Commission and the proposed findings of fact, it finds that the standards set forth in Section 17.25.040 for granting a reasonable accommodation have been met. If the Board determines that the standards set forth in Section 17.25.040 for granting a reasonable accommodation have not been met, the Board may deny the request, refer the request back to the Commission for further consideration, or may require a public hearing to request additional information from the applicant regarding the accommodation requested. The Board may, in evaluating the evidence and/or testimony presented, approve the accommodation that, pursuant to the evidence and/or testimony presented, it finds meets the standards set forth in this Chapter. Approval of a request for a reasonable accommodation will not be unreasonably withheld.

17.25.060 Recording of Ordinance and Summary Report.

A. Any ordinance approving a reasonable accommodation shall be recorded by the applicant with the Cook County Recorder of Deeds.

B. Unless the impairment for which the accommodation has been approved is permanent in nature, the individual with the disability for which an accommodation has been granted, or their parent or legal guardian, shall provide the Village, not less than

once every five (5) years, with a written summary report indicating the continued need for the accommodation. The summary report shall be written by a physician, as that term is defined by the Illinois Medical Practice Act of 1987 (225 ILCS 60/1 *et seq.*), or a clinical psychologist, as that term is defined by the Illinois Clinical Psychologist Licensing Act (225 ILCS 15/1 *et seq.*). The failure of the individual with the disability for which an accommodation has been granted, or their parent or legal guardian, to submit the required summary report shall result in the termination of the reasonable accommodation on the fifth anniversary of the approval of the ordinance granting the reasonable accommodation or if one or more timely summary report(s) have been received by the Village, on the fifth anniversary of the receipt by the Village of the last timely summary report which complies with the requirements of this section.

17.25.070 Restoration of premises.

When a reasonable accommodation which has been granted by the Board is no longer necessary, the individual who requested the accommodation shall, at his or her sole cost and expense, remove all Structures and restore all premises to their original condition to the satisfaction of the Village Building inspector. Any ordinance approving a reasonable accommodation shall provide that the property owner of the premises for which a reasonable accommodation has been approved shall notify the Village in writing within thirty (30) days of the occurrence of any one of the following events:

- (a) the individual for whom the requested accommodation was made no longer resides at the premises for at least fifty percent (50%) of the time;
- (b) the individual for whom the requested accommodation was made no longer suffers from the disability for which the accommodation was made;
- (c) an agreement for the transfer of ownership or sale of the premises has been executed; and
- (d) the closing of the transfer of ownership or the sale of the premises.

Section 26. Amendment of Section 17.28.010. Section 17.28.010 entitled "Establishment of districts" of Chapter 17.28 entitled "Zoning Districts Established" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

17.28.010 Establishment of districts.

In order to carry out the purpose and provisions of this title, the Village is divided into the following districts:

- A. Residence Districts.
 - 1. R-1 Single-Family Dwelling residence district;
 - 2. R-2 Single-Family Dwelling residence district;
 - 3. R-3 general residence district;
 - 4. R-3A general residence district;
 - 5. R-3B general residence district;

6. R-4 Planned Development, Multiple Family Dwelling;
7. R-5 general residence district;
8. R-6 general residence district
- B. Business Districts.
 1. B-1 local Business district;
 2. B-2 community Business district;
 3. B-3 service Business district;
 4. B-4 service Business district;
 5. B-5 Business district;
 6. B-6 Business district
- C. Institutional Districts.
 1. I-1 institutional district
- D. Public and Open Land District
 1. P-1 public and open land district;
 2. P-1a open land district;
 3. P-1b open land district;
 4. P-2a open land district;
 5. P-2b open land district

Section 27. **Amendment of Section 17.28.020.** Section 17.28.020 entitled “Map” of Chapter 17.28 entitled “Zoning Districts Established” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.28.020 Map.

The location and boundaries of the districts established by this chapter are set forth on the current Village zoning district map, dated 3-18-64 which is incorporated herein and made a part of this title. The map, together with everything shown thereon and all amendments thereto, shall be as much a part of this title as though fully set forth and described herein. The map shall be med with the office of the Village clerk and certified copies thereof in the public reference at all times during which those offices are open.

Section 28. **Amendment of Section 17.28.030.** Section 17.28.030 entitled “Boundaries of districts” of Chapter 17.28 entitled “Zoning Districts Established” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.28.030 Boundaries of districts.

The boundaries of these districts are shown upon the map made a part of this title, which map is designated as the “district map.” The district map is and all the notations, references and other matters shown thereon shall be as much a part of this title and have the same force and effect as if the notations, references and other information set forth

thereon were all fully set forth or described herein; which district map is properly attested, and is on me in the office of the Village clerk.

Section 29. Amendment of Chapter 17.32. Chapter 17.32 entitled "Residence District Generally" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

RESIDENCE DISTRICTS GENERALLY

Sections:

17.32.010 Home Occupations.

17.32.020 Signs.

17.32.010 Home Occupations. Home Occupations shall be governed by the following regulations: A. Permitted Home Occupations may include any of the following:

1. Art studio;
2. Dressmaking;
3. Professional offices of a clergyman, lawyer, physician, architect, engineer or accountant;
4. Teaching, including but not limited to, musical instruments or dancing, provided teaching is limited to one pupil at a time.

B. Permitted Home Occupations shall not include any other Use such as, but not limited to, the following:

1. The operation of any wholesale or retail Business, unless conducted entirely by mail and does not involve the sale, receipt or delivery of merchandise on the premises;
2. Any manufacturing operation or establishment;
3. A repair shop or service establishment of any kind operating on or from the premises:
4. A clinic or hospital;
5. A barber shop or beauty parlor,
6. A Public Stable or Kennel;
7. A restaurant;
8. Any activity that produces Noxious Matter or odors.

C. Permitted Home Occupations may not include the employment of any additional persons in addition to the occupant of the house who performs such basic service, and the practice of such Home Occupations, involving visits by others to the premises, shall be arranged by appointment or for emergency service. Exterior Signs shall be limited to those permitted by the Sign regulations for residence districts. There shall be no exterior storage of equipment or materials used in such Home Occupation not compatible with the zoning district.

17.32.020 Signs.

A. Unilluminated name plates are permitted, subject to the following regulations: In R-I districts a name plate shall not exceed forty-eight square inches in area, and shall indicate only the name or name and address of the occupant; there shall be not more than one such name plate for each Dwelling, provided that it is affixed to the Dwelling flat against the door or on the wall adjacent thereto, or may be located elsewhere on an Accessory Building or Structure or piece of land within the boundaries of the Lot.

B. Unilluminated "For Sale" and "For Rent" Signs are permitted, subject to the following: there shall not be more than one Sign per Lot, except that on a Corner Lot two Signs, one facing each Street shall be permitted. No Sign shall exceed twelve square feet in area, and be closer than eight feet to any side and rear Lot, nor closer to the Front Lot Line than one-half the depth of the Front Yard. Such a Sign, when affixed flat against the Building, shall not project higher than one Story or twenty feet above Curb Level, whichever is lower; and a ground Sign shall not project higher than eight feet above ground grade.

Section 30. Amendment of Chapter 17.36. Chapter 17.36 entitled "R-1 Single-Family Residence District" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

R-I SINGLE-FAMILY DWELLING RESIDENCE DISTRICT

Sections:

- 17.36.010 Permitted Uses.**
- 17.36.020 Special Uses.**
- 17.36.030 Lot Area.**
- 17.36.040 Lot width.**
- 17.36.050 Floor Area Ratio--Nonresidential Permitted Uses and Special Uses.**
- 17.36.060 Building Height-Single-Family Dwelling Uses.**
- 17.36.070 Ground Floor Area per Dwelling.**
- 17.36.080 Front Yard-Single-Family Dwelling Uses.**
- 17.36.090 Side Yards-Single-Family Dwelling Uses.**
- 17.36.100 Rear Yard-Single-Family Dwellings.**
- 17.36.110 Off-Street parking.**
- 17.36.120 Site plan approval.**
- 17.36.130 Permitted obstructions of Single-Family Dwelling detached Structures in required Yards.**

17.36.010 Permitted Uses.

The following Uses are permitted:

A. Single-Family Detached Dwellings and Private Garages, provided they are attached to or are structurally a part of the Principal Building.

B. Home Occupations, as defined in Section 17.08.380 regulated in Section 17.32.010.

C. Parks and playgrounds, publicly owned and operated.

D. Signs, as regulated in Section 17.32.020.

E. Temporary Buildings and Uses necessary for construction purposes for a period not to exceed one year.

F. Accessory Uses to the above Permitted Uses.

17.36.020 Special Uses.

The following Uses are allowable Special Uses:

A. Growing of crops in the open, provided that no livestock, poultry or pigeons are kept, and that no offensive odors or dusts are created; and, further provided, that no retail sales are conducted.

B. Municipal recreational Buildings and community centers.

C. Parks and playgrounds, privately owned and operated, but not for profit.

D. Utility and public service Uses, including:

1. Electric substations and electrical distribution centers;

2. Fire stations;

3. Police stations;

4. Water filtration and sewage treatment plants, pumping stations and reservoirs, municipally owned and operated;

5. Other public or private utility service Uses.

E. Reconstruction or enlargement of an existing detached Garage on R-I Lots on which a residence already exists, said Lots having a total width of less than seventy feet at any point at the buildable area, may be permitted provided that a hardship can be demonstrated and that the Use is not detrimental to the Village as a whole or to adjacent properties.

F. Unattached Structures.

1. Only one Unattached Structure, chosen from among a Private Garage, Playhouse or Shed, in addition to the Principal Building, shall be permitted on each Lot and said Unattached Structure shall be allowed only under provisions of a "Special Use;"

2. New Unattached Structures, hereinbefore specifically listed, shall be considered a permitted Special Use and may not be authorized only by the Board, provided the preliminary steps as specified in Section 17.24.080(C);

3. Lots having an unattached Private Garage shall not be permitted to have co-existent an unattached Playhouse or Shed unless a variance shall have been granted in the manner provided in Section 17.24.080(C);

4. Lots having an attached Private Garage shall not be permitted to have an unattached garage on the same Lot but may be permitted to have either an unattached Playhouse or Shed, but not both;

5. Unattached Private Garages constructed after May 14, 1984, must be in the buildable area of the Lot unless granted a variance by the Board;

6. Variations for Playhouses or Sheds:

a. Playhouses after May 14, 1984, shall be in the buildable area immediately to the rear of the Principal Building but not in the required Rear Yard or Side Yard; no variance from this provision shall be granted whatsoever,

b. Playhouses and Sheds in existence before May 15, 1984, located outside of the buildable area, shall be moved to the buildable area as prescribed in Section 17.16.040(H). However, an owner of a non-conforming Playhouse or Shed may petition the Village for a variance according to the procedure as specified in Section 17.24.080(C).

17.36.030 Lot Area.

There shall be provided a Lot Area of not less than twenty thousand square feet.

17.36.040 Lot width.

There shall be provided a Lot width of not less than one hundred feet at the buildable area, except for those already subdivided at the date of the ordinance codified in this title, and for which subdivision plans have been filed and approved.

17.36.050 Floor Area Ratio-Nonresidential Permitted Uses and Special Uses.

The Floor Area Ratio for all Permitted Uses and Special Uses shall not exceed 0.6.

17.36.060 Building Height. Building Height shall not exceed thirty-three feet measured in accordance with the definition of Building Height in Chapter 17.08.

17.36.070 Building width.

No Building shall be of greater width than seventy-five percent (75%) of the Lot width at the Building setback lines, but not less than a total of twenty-five feet of combined side setback space allowance.

17.36.080 Ground Floor Area per Dwelling.

Ground Floor Area of the Dwelling, exclusive of one-Story open porches and garages, shall not be less than two thousand (2,000) square feet for a one-Story residence..

17.36.090 Front Yard-Single-Family Dwelling Uses.

There shall be provided a Front Yard of not less than forty feet in depth.

17.36.100 Side Yards-Single-Family Dwelling Uses.

There shall be provided two Side Yards having a combined width of at least twenty-five feet and neither Side Yard, shall be less than ten feet wide, except on Corner Lots, a Side Yard adjoining a Street shall not be less than thirty feet wide. However, if a Corner Lot, subdivided and duly recorded on the effective date of the ordinance codified in this title, has insufficient width to provide such Yard of thirty feet width and still maintain a buildable width. including the opposite Side Yards, then the Side Yard

adjoining the Street may be reduced in width by the instances necessary to maintain a buildable width, provided the Side Yard adjoining a Street is not reduced in width no less than thirty percent of the width of the Lot. If a Lot subdivided and duly recorded on the effective date of the ordinance codified in this title, does not have sufficient width to provide such Side Yard of twenty-five feet total width and still maintain a buildable width, then the Side Yards may be lessened to a minimum of 30% of the Lot width with no Side Yard less than eight feet (8') in width.

17.36.110 Rear Yard-Single-Family Dwelling.

There shall be provided a Rear Yard of not less than forty percent of the average of the Lot depth or 100', whichever is less.

17.36.120 Off-Street parking.

There shall be provided off-Street parking spaces in accordance with provisions set forth in Chapter 17.20.

17.36.130 Permitted obstructions of Single-Family Dwelling detached Structures in required Yards.

Any obstructions not specifically stated in the aforementioned Yards will not be permitted, except by variation.

A. In Interior Side Yards. Lot width at Front Yard setback line one hundred feet or greater none. Lot width at Front Yard setback line less than one hundred feet - chimneys; steps necessary for access to the Building no more than four feet above grade, with landing platform no more than four feet from the Building and eight feet wide, overhanging roof eaves, gutters and Awnings adjoining the Principal Buildings. However, none of the permitted obstructions may come within ten feet of any Lot Line.

B. Front Yards and Side Yards Abutting the Street Overhanging roof eaves and gutters up to two feet into the Yard; Awnings up to four feet into the Yard; steps necessary for access to the Building no more than four feet above grade with landing platforms no more than four feet from the Building and eight feet wide; one-Story bay windows no more than two feet into the Yard and a maximum width of ten feet.

C. Rear Yards. Overhanging roof eaves and gutters may extend no more than two feet into the Yard; Awnings no more than four feet into the Yard; chimneys no more than two feet into the Yard; steps necessary for access to the Building no more than four feet above grade with landing platforms no more than four feet from the Building and eight feet wide; one-Story bay windows no more than two feet into the Yard and a maximum width of ten feet; gas or electric grills for cooking only and outside kitchens fireplaces, pergolas, and firepits, maximum ten feet into the Yard. Fixed patio seating and other such low level Structures not to exceed a height of 24" and may not restrict the natural flow of ground water onto adjacent properties. (*§17.12.130 Housing for Domestic animals and §17.25.010 Provisions for handicapped and §17.12.120 Fencing and §17.08.310 Fence*)

Section 31. Amendment of Section 17.40. Chapter 17.40 entitled "R-2 Single-Family Residence District" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

R-2 SINGLE-FAMILY DWELLING RESIDENCE DISTRICT

Sections:

- 17.40.010 Permitted Uses.**
- 17.40.020 Special Uses.**
- 17.40.030 Lot Area.**
- 17.40.040 Lot width.**
- 17.40.050 Floor Area Ratio--Nonresidential Permitted Uses and Special Uses.**

- 17.40.060 Building Height--Single-Family Dwelling Uses.**
- 17.40.070 Ground Floor Area per Dwelling.**
- 17.40.080 Front Yard--Single-Family Dwelling Uses.**
- 17.40.090 Side Yards--Single-Family Dwelling Uses.**
- 17.40.100 Rear Yard--Single-Family Dwellings.**
- 17.40.110 Off-Street parking.**
- 17.40.120 Site plan approval.**
- 17.40.130 Permitted obstructions of Single-Family Detached Dwelling Structures in required Yards.**

17.40.010 Permitted Uses.

The following Uses are permitted:

- A. Single-Family Detached Dwellings and Private Garages, provided they are attached to or are structurally a part of the Principal Building.
- B. Home Occupations, as defined in Section 17.08.380 and regulated in Section 17.32.010.
- C. Parks and playgrounds, publicly owned and operated.
- D. Signs, as regulated in Section 17.32.020.
- E. Temporary Buildings and Uses necessary for construction purposes for a period not to exceed one year.
- F. Accessory Uses to the above Permitted Uses.

17.40.020 Special Uses.

The following Uses are allowable Special Uses:

- A. Growing of crops in the open, provided that no livestock, poultry or pigeons are kept and that no offensive odors or dusts are created; and, further provided, that no retail sales are conducted.
- B. Municipal recreational Buildings and community centers.
- C. Parks and playgrounds, privately owned and operated, but not for profit.

- D. Utility and public service Uses, including:
1. Electric substations and electrical distribution centers;
 2. Fire stations;
 3. Police stations;
 4. Water filtration and sewage treatment plants, pumping stations and reservoirs, municipally owned and operated;
 5. Other public or private utility service Uses.

17.40.030 Lot Area.

There shall be provided a Lot Area of not less than twelve thousand five hundred square feet.

17.40.040 Lot width.

There shall be provided a Lot width of not less than seventy-four feet as the buildable area, except for those areas already subdivided at the date of this ordinance, and for which subdivision plans have been filed and approved.

17.40.050 Floor Area Ratio-Nonresidential Permitted Uses and Special Uses.

The Floor Area Ratio for all Permitted Uses and Special Uses shall not exceed 0.5.

17.40.060 Building Height-Single-Family Dwelling Uses.

Building Height shall not exceed two and one-half stories or twenty-five feet, whichever is lower.

17.40.070 Ground Floor Area per Dwelling.

Ground Floor Area of the Dwelling, exclusive of one-Story open porches and Garages, shall not be less than one thousand four hundred square feet for a one-Story residence, and not less than one thousand square feet for a one and one-Half Story, two-Story or two and one-Half Story residence.

17.40.080 Front Yard-Single-Family Dwelling Uses.

There shall be provided a Front Yard of not less than thirty feet in depth.

17.40.090 Side Yards-Single-Family Dwelling Uses.

There shall be provided two Side Yards having a combined width of at least twenty-five feet and neither Side Yard shall be less than ten feet wide, except on Corner Lots, a Side Yard adjoining a Street shall be not less than thirty feet wide. However, if a Corner Lot, subdivided and duly recorded on the effective date of this ordinance, has insufficient width to provide such Yard of thirty feet width and still maintain a buildable width, including the opposite Side Yards, then the Side Yard adjoining the Street may be reduced in width by the distance necessary to maintain a buildable width, provided the Side Yard adjoining a Street is not reduced in width to less than thirty percent of the width of the Lot.

17.40.100 Rear Yard-Single-Family Dwellings.

There shall be provided a Rear Yard of not less than forty percent of the average of the Lot Depth.

17.40.110 Off-Street parking.

There shall be provided off-Street parking spaces in accordance with provisions set forth in Chapter 17.20.

17.40.120 Site plan approval.

In addition to meeting the applicable requirements of the appropriate ordinances of the Village, subdivisions, re-subdivisions and Planned Developments shall require site plan approval by the president and Board upon submission to and recommendation by the Commission.

17.40.130 Permitted obstructions of Single-Family Detached Dwelling Structures in required Yards.

A. In Interior Side Yards. Lot width of Front Yard setback line one hundred feet or greater: none. Lot width at Front Yard setback line less than one hundred feet: chimneys; steps necessary for access to the Building no more than four feet above grade, with landing platform no more than four feet from the Building and eight feet wide; overhanging roof eaves; gutters; Awnings adjoining the Principal Buildings. However, none of the permitted obstructions may come within ten feet of any Lot Line.

B. Front Yards and Side Yards Abutting the Street Overhanging roof eaves and gutters up to two feet into the Yards; Awnings up to four feet into the Yards; steps necessary for access to the Building no more than four feet above grade with landing platforms no more than four feet from the Building and eight feet wide; one-Story bay windows no more than two feet into the Yard and a maximum width of ten feet.

C. Rear Yards. Overhanging roof eaves and gutters no more than two feet into the Yard; Awnings no more than four feet into the Yard; chimneys no more than two feet into the Yard; steps necessary for access to the Building no more than four feet from the Building and eight feet wide; one-Story bay windows no more than two feet into the Yard and a maximum width of ten feet; gas or electric grills for cooking only, maximum size ten feet.

Section 32. Amendment of Chapter 17.44. Chapter 17.44 entitled “R-3 General Residence District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

R-3 GENERAL RESIDENCE DISTRICT

Sections:

- 17.44.010 Description.
- 17.44.020 Permitted Uses.
- 17.44.030 Special Uses.
- 17.44.040 Temporary Uses.
- 17.44.050 Site and Structure provisions.
- 17.44.060 Site plan approval.
- 17.44.070 Off-Street parking.

17.44.010 Description.

The R-3 general residence district is intended to provide for residential developments that can utilize a variety of modern Building and development techniques. Slightly higher densities than exist in single-family developments are allowed and various Building types can be employed in achieving the permitted density. These include traditional Single-Family Detached Dwellings, town homes and/or low-rise Apartments. It is intended that the resulting development will be compatible with homogeneous Single-Family Dwelling developments, and that this district be located so as to provide a transition between Single-Family Dwelling and more intensive Multiple-Family Dwelling zoning districts. Thus, the intensity and low profile of the development, along with the design and composition of the Structures allowed in R-3, will be similar to Single-Family Dwelling developments.

17.44.020 Permitted Uses.

- A. Residential Uses.
 - 1. Single-Family Detached Dwellings;
 - 2. Two-Family Dwellings;
 - 3. Single-Family Attached Dwellings.
- B. Educational Institutions.
 - 1. Public elementary schools. nonboarding;
 - 2. Public high schools. nonboarding;
 - 3. Private schools. nonboarding;
- C. Public and Governmental Land and Buildings.
 - 1. Public libraries;
 - 2. Parks and playgrounds.

17.44.030 Special Uses.

Special Uses may be allowed, subject to the issuance of Special Use permits. The following Special Uses are permitted in the R-3 general residence district:

- A. Similar and compatible Uses to those allowed as Permitted Uses in this district.
- B. Clustering of residences.
- C. Community center Buildings, clubhouses, recreation Buildings, swim clubs and indoor pools, tennis Buildings for indoor tennis, noncommercial, not-for-profit and owned by members or operator of a development.
- D. Public utility and service Uses.

1. Essential services: electric substations, gas regulator stations and telephone exchanges;
 2. Fire stations;
 3. Police stations;
 4. Post offices;
 5. Municipal Buildings;
 6. Waterworks, reservoirs, pumping stations, filtration plants and wells.
- E. Planned Developments.

17.44.040 Temporary Uses.

Upon application to and issuance by the department of Building and private grounds of a permit, the following Uses may be operated as temporary Uses:

A. -Temporary Buildings or Yards for construction materials and/or equipment. both incidental and necessary to construction in the zoning district. The permit shall specify the location of the Building or Yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six months.

B. Temporary office and/or model homes and Apartments. both incidental and necessary for the sale or rental of real property. The permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year, renewable annually for good cause shown.

C. Real estate Sign.

17.44.050 Site and Structure provisions.

A. Minimum Lot Area.

1. Single-Family Detached Dwellings: a ground area of not less than ten thousand square feet shall be provided and continuously maintained for each Single-Family Detached Dwelling located on a parcel of ground intended to be used as a separate Lot;

2. Single-Family Attached Dwellings and Two-Family Dwellings: a ground area of not less than sixty-five hundred square feet, including proposed rights-of-way. shall be provided and continuously maintained for each Single-Family Attached Dwelling Unit or Two-Family Dwelling Unit.

B. Minimum Lot Width. A minimum Lot width of seventy feet shall be provided for each Lot used for a Permitted or Special Use.

e. Front Yard. All Structures shall be set back from the Front Lot Line at least thirty feet or twenty percent of the Lot Depth, whichever is less. Single-Family Attached Dwellings and Two-Family Dwellings shall be set back from the Front Lot Line at least twenty feet.

D. Interior Side Yard. All Structures shall be set in from the Side Lot Line a distance of not less than ten feet. Community center Buildings, clubhouses, recreation Buildings and tennis Buildings shall be set in from the Side Lot Line a distance of not less than fifteen feet, plus one foot for each two feet by which the Building or Structure height exceeds fifteen (15) feet.

E. Corner Side Yard. All Structures shall be set in from the Side Lot Line adjacent to the Street right-of-way a distance of not less than twenty-five feet.

F. Rear Yard. All Structures shall be set back from the Rear Lot Line at least forty feet.

G. Floor Area Ratio. The maximum Floor Area Ratio for specific Uses shall be as follows:

- | | |
|-------------------------------------|-----|
| 1. Single-Family Detached Dwelling | .40 |
| 2. Two-Family Dwelling | .50 |
| 3. Single-Family Attached Dwelling | .50 |
| 4. Recreation and social facilities | .20 |

H. Minimum Size of Dwelling. Every Structure described in whole or in part for residential purposes shall contain at least the following square feet of livable Floor Area per Dwelling Unit, exclusive of Basement or Garage space:

- | | |
|------------------------------------|---------------|
| 1. Single-Family Detached Dwelling | 1,200 sq. ft. |
| 2. Two-Family Dwelling | 1,000 sq. ft. |
| 3. Single-Family Attached Dwelling | 900 sq. ft. |

I. Maximum Height. No principal Structure shall exceed two stories or twenty-five feet in height.

17.44.060 Site plan approval.

In addition to meeting the applicable requirements of the appropriate ordinances of the Village, subdivisions, re-subdivisions and Planned Developments shall require site plan approval by the president and Board upon submission to and recommendation by the Commission.

17.44.070 Off-Street parking.

There shall be provided off-Street parking spaces in accordance with the provisions set forth in Chapter 17.20. Minimum required-one enclosed and one open parking space per Dwelling Unit.

Section 33. Amendment of Chapter 17.48. Chapter 17.48 entitled "R-3A General Residence District" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

R-3A GENERAL RESIDENCE DISTRICT

Sections:

- | | |
|------------------|---------------------------------------|
| 17.48.010 | Description. |
| 17.48.020 | Permitted Uses. |
| 17.48.030 | Special Uses. |
| 17.48.040 | Temporary Uses. |
| 17.48.050 | Site and Structure provisions. |
| 17.48.060 | Site plan approval. |

17.48.070 Off-Street parking.

17.48.010 Description.

The R-3A general residence district is intended to provide for residential developments that can utilize a variety of modern Building and development techniques. Slightly higher densities than exist in Single-Family Dwelling developments are allowed, and various Building types can be employed in achieving the permitted density. These include traditional Single-Family Detached Dwellings, town homes and/or low-rise Apartments. It is intended that the resulting development will be compatible with homogeneous Single-Family Dwelling development and that this district be located so as to provide a transition between Single-Family Dwelling and more density Multiple-Family Dwelling zoning districts. Thus, the intensity and low profile of the development, along with the design and composition of the Structures allowed in R-3A, will be similar to Single-Family Dwelling developments.

17.48.020 Permitted Uses.

- A. Residential Uses.
 - 1. Single-Family Detached Dwellings;
 - 2. Two-Family Dwellings;
 - 3. Multiple-Family Dwellings.
- B. Education Institutions.
 - 1. Public elementary schools, nonboarding;
 - 2. Public high schools, nonboarding;
 - 3. Private schools, nonboarding.
- C. Public and Governmental Land and Buildings.
 - 1. Public libraries;
 - 2. Parks and playgrounds.

17.48.030 Special Uses.

Special Uses may be allowed, subject to the issuance of Special Use permits. The following Special Uses are permitted in the R-3A general residence district:

- A. Similar and compatible Uses to those allowed as Permitted Uses in this district.
- B. Clustering of residences.
- C. Community center Buildings. Clubhouses, recreation Buildings, swim clubs and indoor pools, tennis Buildings for indoor tennis, noncommercial, not-for-profit and owned by members or operator of a development.
- D. Public utility and service Uses.
 - 1. Essential services: electrical substations. gas regulator stations and telephone exchanges;
 - 2. Fire stations;
 - 3. Police stations;
 - 4. Post offices;
 - 5. Municipal Buildings;
 - 6. Waterworks, reservoirs, pumping stations, filtration plants and wells.

E. Planned Developments.

17.48.040 Temporary Uses.

Upon application to and issuance by the department of Building and private grounds of a permit thereof, the following Uses may be operated as temporary Uses:

A. Temporary Buildings or Yards for construction materials and/or equipment, both incidental and necessary to construction in the zoning district The permit shall specify the location of the Building or Yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six months.

B. Temporary office and/or model homes and Apartments, both incidentals and necessary for the sale or rental of real property. The permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year renewable annually for good cause shown.

C. Real estate Signs.

17.48.050 Site and Structure provisions.

A. Minimum Lot Area.

1. Single-Family Detached Dwellings: a ground area of not less than ten thousand square feet shall be provided and continuously maintained for each Single-Family Detached Dwelling located on a parcel of ground intended to be used as a separate Lot;

2. Multiple-Family Dwellings and Two-Family Dwellings: a ground area of not less than five thousand square feet, including proposed rights-of-way, shall be provided and continuously maintained for each Multiple-Family Dwelling Unit or Two-Family Dwelling Unit.

B. Minimum Lot Width. A minimum Lot width of seventy feet shall be provided for each Lot used for a permitted or Special Use.

C. Front Yard. All Structures shall be set back from the Front Lot Line at least thirty feet or twenty percent of the Lot Depth, whichever is less. Multiple-Family Dwellings and Two-Family Dwellings shall be set back from the Front Lot Line at least twenty feet

D. Interior Side Yard. All Structures shall be set in from the Side Lot Line a distance of not less than ten feet Community center Buildings, clubhouses. recreation Buildings and tennis Buildings shall be set in from the Side Lot Line a distance of not less than fifteen feet, plus one foot for each two feet by which the Building or Structure height exceeds fifteen feet.

E. Corner Side Yard. All Structures shall be set in from the Side Lot Line adjacent to the Street right-of-way a distance of not less than twenty-five feet.

F. Rear Yard. All Structures shall be set back from the Rear Lot Line at least forty feet for Single-Family Dwellings; thirty feet for Multiple-Family Dwellings.

G. Floor Area Ratio. The maximum Floor Area Ratio for specific Uses shall be as follows:

1. Single-Family Detached Dwelling	.40
2. Two-Family Dwelling	.50
3. Multiple-Family Dwelling	.60

4. Recreation and social facilities .20

H. Minimum Size of Dwelling. Every Structure occupied in whole or in part for residential purposes shall contain at least the following square feet of livable Floor Area per Dwelling Unit, exclusive of Basement or Garage space:

- 1. Single-Family Detached Dwelling 1,200 sq. ft.
- 2. Two-Family Dwelling 1,000 sq. ft.
- 3. Multiple-Family Dwelling 750 sq. ft.

I. Maximum Height. No principal Structure shall exceed two stories or thirty-two feet in height.

17.48.060 Site plan approval.

In addition to meeting the applicable requirements of the appropriate ordinances of the Village, subdivisions, re-subdivisions and Planned Developments shall require site plan approval by the president and Board upon submission to and recommendation by the Commission.

17.48.070 Off-Street parking.

There shall be provided off-Street parking spaces in accordance with the provisions set forth in Chapter 17.20. Minimum required: one enclosed and one open parking space per Dwelling Unit.

Section 34. Amendment of Chapter 17.52. Chapter 17.52 entitled "R-3B General Residence District" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

R-3B GENERAL RESIDENCE DISTRICT

Sections:

- 17.52.010 Description.**
- 17.52.020 Permitted Uses.**
- 17.52.030 Special Uses.**
- 17.52.040 Temporary Uses.**
- 17.52.050 Site and Structure provisions.**
- 17.52.060 Site plan approval.**
- 17.52.070 Off-Street parking.**

17.52.010 Description.

The R-3B general residence district is intended to provide for residential developments that can utilize a variety of modern Building and development techniques. Slightly higher densities than exist in Single-Family Dwelling developments are allowed and various Building types can be employed in achieving the permitted density. These included Single-Family Attached Dwellings. It is intended that the resulting development

will be compatible with Single-Family Dwelling developments and that this district be located so as to provide a transition between Single-Family Dwelling and more intensive Multiple-Family Dwelling zoning districts. Thus, the intensity and low profile of the development, along with the design and composition of the Structures allowed in R-3B, will be similar in scale to Single-Family Dwelling developments.

17.52.020 Permitted Uses.

- A. Residential Uses.
 - 1. Two-Family Dwellings;
 - 2. Single-Family Attached Dwellings.

17.52.030 Special Uses.

Special Uses may be allowed, subject to the issuance of Special Use permits. The following Special Uses are permitted in the R-3B general residence district:

- A. Similar and compatible Uses to those allowed as Permitted Uses in this district.
- B. Community center Buildings, clubhouses, recreation Buildings, swim clubs and indoor pools, tennis Buildings for indoor tennis, noncommercial, not-for-profit, and owned by members or operators of a development.
- C. Public utility and service Uses:
 - 1. Essential services: electric substations, gas regulator stations and telephone exchanges;
 - 2. Police stations;
 - 3. Municipal Buildings;
 - 4. Waterworks, reservoirs, pumping stations, filtration plants and wells.
- D. Planned Developments.

17.52.040 Temporary Uses.

Upon application to and issuance by the department of Buildings and private grounds of a permit thereof, the following Uses may be operated as temporary Uses:

- A. Temporary Buildings or Yards for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. The permit shall specify the location of the Building or Yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six months.
- B. Temporary office and/or model homes and Apartments both incidental and necessary for the sale or rental of real property. The permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year, renewable annually for good cause shown.
- C. Real estate Signs.

17.52.050 Site and Structure provisions.

- A. Minimum Lot Area. Single-Family Attached Dwellings and Two-Family Dwellings: a ground area of not less than six thousand five hundred square feet, including proposed rights-of-way, shall be provided and continuously maintained for each Single-Family Attached Dwelling Unit or Two-Family Dwelling Unit.

B. Minimum Lot Width. A minimum Lot width of seventy feet shall be provided for each Lot used for a permitted or Special Use.

C. Front Yard. All Structures shall be set back from the Front Lot Line at least thirty feet or twenty percent of the Lot Depth, whichever is greater.

D. Interior Side Yard. All Structures shall be set in from the Side Lot Line a distance of not less than thirty feet. Community center Buildings, clubhouses, recreation Buildings, and tennis Buildings shall be set in from the Side Lot Line a distance of not less than fifteen feet, plus one foot for each two feet by which the Building or Structure height exceeds fifteen feet.

E. Corner Side Yard. All Structures shall be set in from the Side Lot Line adjacent to the Street right-of-way a distance of not less than thirty feet.

F. Rear Yard. All Structures shall be set back from the Rear Lot Line at least thirty-five feet.

G. Floor Area Ratio. The maximum Floor Area Ratio for specific Uses shall be as follows:

- | | |
|-------------------------------------|-----|
| 1. Two-Family Dwelling | .50 |
| 2. Single-Family Attached Dwelling | .50 |
| 3. Recreation and social facilities | .20 |

H. Minimum Size of Dwelling. Every Structure occupied in whole or in part for residential purposes shall contain at least the following square feet of livable Floor Area per Dwelling Unit, exclusive of Basement or Garage space:

- | | |
|------------------------------------|---------------|
| 1. Two-Family Dwelling | 1,000 sq. ft. |
| 2. Single-Family Attached Dwelling | 900 sq. ft. |

I. Maximum Height. No principal Structure shall exceed two stories or twenty-five feet in height.

17.52.060 Site plan approval.

In addition to meeting the applicable requirements of the appropriate ordinances of the Village, subdivisions, re-subdivisions and Planned Developments shall require site plan approval by the president and Board upon submission to and recommendation by the Commission.

17.52.070 Off-Street parking.

There shall be provided off-Street parking spaces in accordance with the provisions set forth in Chapter 17.20. Minimum required: one enclosed and one open parking space per Dwelling Unit.

Section 35. Amendment of Chapter 17.56. Chapter 17.56 entitled "R-4 General Residence District" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

R-4 GENERAL RESIDENCE DISTRICT

Sections:

17.56.010	Description.
17.56.020	Permitted Uses.
17.56.030	Special Uses.
17.56.040	Temporary Uses.
17.56.050	Site and Structure provisions.
17.56.060	Site plan approval.
17.56.070	Off-Street parking.

17.56.010 Description.

The R-4 general residence district is intended to provide for residential developments that may utilize a variety of modern Building and development techniques. The R-4 general residence district is intended to provide for moderate density development. Such density may be accomplished through development which includes Single-Family Detached Dwellings, Single-Family Attached Dwellings, Two-Family Dwellings and/or low-rise Multiple-Family Dwellings.

17.56.020 Permitted Uses.

- A. Residential Uses.
 - 1. Single-Family Detached Dwellings;
 - 2. Single-Family Attached Dwellings;
 - 3. Two-Family Dwellings;
 - 4. Multiple-Family Dwellings.

17.56.030 Special Uses.

- A. Uses compatible and similar to those allowed as Permitted Uses in this zoning district.
- B. Planned Developments.
- C. Public utility and municipal Uses.
- D. All Dwellings located within one hundred feet of a one-hundred-year floodplain shall require a Special Use permit

17.56.040 Temporary Uses.

Upon application to and issuance by the department of Building and private grounds of a permit thereof, the following Uses may be operated as temporary Uses:

A. Temporary Building or Yards for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. The permit shall specify the location of the Building or Yard and the area of permitted operation. Each such permit shall be valid for a period of not more than one year, renewable in six-month increments for good cause shown.

B. Temporary office and/or model Dwellings both incidental and necessary for the sale or rental of real property. The permit shall specify the location of the office and

the area of permitted operation. Each such permit shall be valid for a period of not more than one year, renewable in six-month increments for good cause shown.

C. Real estate Signs.

17.56.050 Site and Structure provisions.

A. Minimum Lot Area.

1. Single-Family Detached Dwellings. A ground area of not less than ten thousand square feet shall be provided and continuously maintained for each Single-Family Detached Dwelling located on a parcel of ground intended to be used as a separate Lot

2. Single-Family Attached Dwellings. A ground area of not less than six thousand five hundred square feet shall be provided and continuously maintained for each Single-Family Attached Dwelling Unit or Two-Family Dwelling unit;

3. Multiple-Family Dwellings. A ground area of not less than four thousand five hundred square feet shall be provided and continuously maintained for each Multiple-Family Dwelling Unit.

B. Minimum Lot Width. A minimum Lot width of seventy feet shall be provided for each Lot used for a permitted or Special Use.

C. Front Yard. Single-Family Detached Dwellings, Single-Family Attached Dwellings and Two-Family Dwellings shall be set back from the Front Lot Line at least forty feet. Multiple-Family Dwellings shall be set back from the Front Lot Line at least fifty feet, or twenty percent of the Lot Depth, whichever is greater.

D. Interior Side Yard. Single-Family Detached Dwellings, Single-Family Attached Dwellings and Two-Family Dwellings shall be set in from the Side Lot Line a distance of not less than ten feet. Multiple-Family Dwellings shall be set in from the Side Lot Line a distance of not less than fifty feet. Community center Buildings, clubhouses, recreation Buildings, and tennis Buildings shall be set in from the Side Lot Line a distance of not less than fifteen feet, plus one foot for each two feet by which the Building or Structure height exceeds fifteen feet.

E. Corner Side Yard. Single-Family Detached Dwellings, Single-Family Attached Dwellings and Two-Family Dwellings shall be set in from the Side Lot Line adjacent to the Street right-of-way a distance of not less than thirty feet. Multiple-Family Dwellings shall be set in from the Side Lot Line adjacent to the Street right-of-way a distance of not less than fifty feet.

F. Rear Yard. All Structures shall be set back from the Rear Lot Line at least fifty feet.

G. Floor Area Ratio. The maximum Floor Area Ratio for specific Uses shall be as follows:

1. Single-Family Detached Dwelling	.40
2. Single-Family Attached Dwelling	.45
3. Two-Family Dwelling	.45
4. Multiple-Family Dwelling	.50
5. Recreation and social facilities	.20

H. Minimum Size of Dwellings. Every Structure occupied in whole or in part for residential purposes shall contain at least the following square feet of livable Floor Area per Dwelling Unit, exclusive of Basement or Garage space:

- | | |
|------------------------------------|-------------------|
| 1. Single-Family Detached Dwelling | 1,500 square feet |
| 2. Single-Family Attached Dwelling | 1,200 square feet |
| 3. Two-Family Dwelling | 1,200 square feet |
| 4. Multiple-Family Dwelling | 900 square feet |

I. Maximum Height. No Single-Family Detached Dwelling, Single-Family Attached Dwelling, or Two-Family Dwelling shall exceed two and one-half stories, or twenty-five feet, whichever is less. No Multiple-Family Dwelling shall exceed three stories, or forty feet, whichever is less.

17.56.060 Site plan approval.

In addition to meeting the applicable requirements of the appropriate ordinances of the Village, subdivisions, re-subdivisions and Planned Developments shall require site plan approval by the president and Board upon submission to and recommendation by the Commission.

17.56.070 Off-Street parking.

There shall be provided off-Street parking spaces in accordance with the provisions set forth in Chapter 17.20, except the following provisions shall supersede any within that chapter:

A. Minimum Spaces Required.

1. Single-Family Detached Dwellings: one enclosed and one open space per Dwelling Unit;
2. Single-Family Attached Dwelling: one enclosed and one open space per Dwelling Unit;
3. Two-Family Dwelling: two parking spaces per Dwelling Unit;
4. Multiple-Family Dwelling: two parking spaces per Dwelling Unit.

In addition, guest parking shall be provided at the rate of one space per five Multiple-Family Dwelling Units.

B. Location of Parking Spaces. Off-Street parking for Single-Family Detached Dwellings, Single Family Attached Dwellings and Two-Family Dwellings may be located in Yards, except a required Front Yard and Side Yard adjoining a Street Off-Street parking for Multiple-Family Dwellings may be located in Yards, except a required Front Yard, Side Yard adjoining a Street, or Side Yard adjoining another residential zoning district. Multiple-Family Dwelling parking facilities shall be not more than seventy-five feet, or closer than fifteen feet to the Building which is required to be served by such facilities.

C. Screening and Landscaping. Any off-Street parking area containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any residential or institutional property by a densely planted, compact hedge, not less than five feet in height at maturity.

Section 36. Amendment of Chapter 17.60. Chapter 17.60 entitled “R-5 General Residence District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

R-S GENERAL RESIDENCE DISTRICT

Sections:

- 17.60.010 Description.**
- 17.60.020 Permitted Uses.**
- 17.60.030 Special Uses.**
- 17.60.040 Temporary Uses.**
- 17.60.050 Site and Structure provisions.**
- 17.60.060 Site plan approval.**
- 17.60.070 Off-Street parking.**

17.60.010 Description.

The R-5 general residence district is intended to provide for residential developments that can utilize a variety of modern Building and development techniques. Slightly higher densities than exist in Single-Family Dwelling developments are allowed and various Building types can be employed in achieving the permitted density. These include traditional Single-Family Detached Dwellings, town homes and/or low-rise Apartments. It is intended that the resulting development will be compatible with homogeneous Single-Family Dwelling developments and that this district be located so as to provide a transition between Single-Family Dwelling and more intensive Multiple-Family Dwelling zoning districts. Thus, the density and low profile of the development, along with the design and composition of the Structures allowed in R-5, will be similar to Single-Family Dwelling developments.

17.60.020 Permitted Uses.

- A. Residential Uses.
 - 1. Single-Family Detached Dwellings;
 - 2. Two-Family Dwellings;
 - 3. Multiple-Family Dwellings.
- B. Education Institutions.
 - 1. Public elementary schools, nonboarding;
 - 2. Public high schools, nonboarding;
 - 3. Private schools. nonboarding.

17.60.030 Special Uses.

Special Uses may be allowed, subject to the issuance of Special Use permits. The following Special Uses are permitted in the R-5 general residence district:

- A. Similar and compatible Uses to those allowed as Permitted Uses in this district.
- B. Clustering of residences.
- C. Community center Buildings, clubhouses, recreation Buildings, swim clubs and indoor pools and tennis Buildings for indoor tennis, non-commercial, not-for-profit, and owned by members or operator of a development
- D. Public utility and service Uses.
 - 1. Essential services: electrical substations, gas regulator stations and telephone exchanges;
 - 2. Fire stations;
 - 3. Police stations;
 - 4. Post offices;
 - 5. Municipal Buildings;
 - 6. Waterworks, reservoirs, pumping stations, filtration plants and wells;
 - 7. Planned Developments.

17.60.040 Temporary Uses.

Upon application to and issuance by the department of Building and private grounds of a permit thereof, the following Uses may be operated as temporary Uses:

- A. Temporary Buildings or Yards for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. The permit shall specify the location of the Building or Yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six months.
- B. Temporary office and/or model homes and Apartments, both incidental and necessary for the sale or rental of real property. The permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year, renewable annually for good cause shown.
- C. Real estate Signs.

17.60.050 Site and Structure provisions.

- A. Minimum Lot Area.
 - 1. Single-Family Detached Dwellings. A ground area of not less than ten thousand square feet shall be provided and continuously maintained for each Single-Family Detached Dwelling located on a parcel of ground intended to be used as a separate Lot;
 - 2. Two-Family Dwellings. A ground area of not less than five thousand (5,000) square feet, including proposed rights-of-way, shall be provided and continuously maintained for each Two-Family Dwelling Unit;
 - 3. Multiple-Family Dwellings shall have a minimum Lot Area of: four thousand square feet, including proposed rights-of-way, for every four-bedroom Dwelling Unit; three thousand square feet, including proposed rights-of-way, for every three-bedroom Dwelling Unit; two thousand five hundred square feet, including proposed rights-of-way, for every Dwelling Unit containing two bedrooms or less shall be provided and continuously maintained for each Multiple-Family Dwelling Unit.

B. Minimum Lot Width. A minimum Lot width of seventy feet shall be provided for each Lot used for a permitted or Special Use.

17.60.060 Site plan approval.

In addition to meeting the applicable requirements of the appropriate ordinances of the Village, subdivisions, re-subdivisions and Planned Developments shall require site plan approval by the president and Board upon submission to and recommendation by the Commission.

17.60.070 Off-Street parking.

There shall be provided off-Street parking spaces in accordance with the provisions set forth in Chapter 17.20. Minimum required:

A. Single-Family Dwelling. One enclosed and one open.

B. Two-Family and Multiple-Family Dwelling. Two parking spaces per Dwelling Unit.

Section 37. Amendment of Chapter 17.64. Chapter 17.64 entitled "R-6 General Residence District" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

R-6 GENERAL RESIDENCE DISTRICT

Sections:

- 17.64.010 Description.**
- 17.64.020 Permitted Uses.**
- 17.64.030 Special Uses.**
- 17.64.040 Temporary Uses.**
- 17.64.050 Site and Structure provisions.**
- 17.64.060 Special provisions.**

17.64.010 Description.

A. The R-6 general residence district is intended to provide for residential developments which can employ modern Building and development techniques to permit higher densities than those permitted in the Single-Family Dwelling zones and in the zones permitting slightly higher density than Single Family Dwelling residential, which provide a transition between Single-Family Dwelling and this higher density residential area.

B. To avoid excessive intermingling of R-6 zoned land within lower density areas, R-6 zoning will be limited to parcels nine or more acres in size under a single ownership.

17.64.020 Permitted Uses.

- A. Residential Uses.
 - 1. Two-Family Dwellings;
 - 2. Multiple-Family Dwellings.
- B. Educational Institutions.
 - 1. Public elementary schools, nonboarding;
 - 2. Public high schools, nonboarding;
 - 3. Private schools, nonboarding.
- C. Public and Governmental Land and Buildings.
 - 1. Public libraries;
 - 2. Parks and playgrounds.
- D. Planned Developments.

17.64.030 Special Uses.

Special Uses may be allowed subject to the issuance of Special Use permits. The following Special Uses are permitted in the R-6 general residence district:

- A. Similar and compatible Uses to those allowed as Permitted Uses in this district.
- B. Clustering of residences.
- C. Community center Buildings, clubhouses, recreation Buildings, swim clubs and indoor pools and tennis Buildings for indoor tennis, noncommercial, not-for-profit and owned by members or operator of a development
- D. Public utility and service Uses.
 - 1. Essential services: electric substations, gas regulator stations and telephone exchanges;
 - 2. Fire stations;
 - 3. Police stations;
 - 4. Post offices;
 - 5. Municipal Buildings;
 - 6. Waterworks, reservoirs, pumping stations, filtration plants and wells.

17.64.040 Temporary Uses.

Upon application to and issuance by the department of Building and private grounds of a permit thereof, the following Uses may be operated as temporary Uses:

- A. Temporary Buildings or Yards for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. The permit shall specify the location of the Building or Yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six months.
- B. Temporary office and/or model homes and Apartments, both incidental and necessary for the sale or rental of real property. The permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year, renewable annually for good cause shown.
- C. Real estate Signs.

17.64.050 Site and Structure provisions.

- A. Density.

1. Two-Family Dwellings: a ground area of not less than four thousand square feet, including proposed rights-of-way, shall be provided and continuously maintained for each Two-Family Dwelling Unit;

2. Multiple-Family Dwellings: a ground area of not less than one thousand two hundred square feet, including proposed rights-of-way, shall be provided and continuously maintained for each Multiple-Family Dwelling Unit;

B. Height No Building shall exceed seven stories in height or eighty-five feet in height, whichever is less.

C. Setbacks.

1. No Building shall be closer to the adjoining property than forty feet (except where it is a continuation of an existing Planned Development);

2. No one-Story Building shall be closer to another Building than twenty feet;

3. Buildings of two or more stories shall be no closer to another Building than one-half the height of the taller Building;

4. Where two-Story or higher Buildings have a one-Story extension, the spacing of paragraph 2 of this subsection shall apply to that portion of the Building, and paragraph 3 shall apply only to the distances between two or more Story portions of Buildings.

D. Minimum Size of Dwellings. Every residential Structure shall contain at least the following square feet of livable Floor Area per Dwelling Unit, exclusive of Basement and Garage space:

1. Two-Family Dwelling 1,000 sq. ft.

2. Multiple-Family Dwelling 750 sq. ft.

E. Floor Area Ratio. The maximum Floor Area Ratio for specific Uses shall be as follows:

1. Two-Family Dwelling .50

2. Multiple-Family Dwelling 2.0

F. Parking. One enclosed parking space and one open parking space shall be provided for each unit

G. Number of Units Per Building. No Multiple-Family Dwelling Building shall contain more than one hundred four units.

17.64.060 Site plan approval.

A.:"Site Plan Approval. In addition to meeting the applicable requirements of the appropriate ordinances of the Village, subdivisions, re-subdivisions and Planned Developments shall require site plan approval by the president and Board upon submission to and recommendation by the Commission.

Section 38. Amendment of Chapter 17.68. Chapter 17.68 entitled "Business

Districts Generally" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

BUSINESS DISTRICTS GENERALLY

Sections:

17.68.010 General requirements--All Business districts.

17.68.010 General requirements--All Business districts.

A. All Business, service, storage, merchandise display and, where permitted, repair and processings shall be conducted wholly within an enclosed Building, except for off-Street automobile parking and off-Street loading.

B. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, Refuse matter or water-carried waste.

C. In all Business districts, the corporate authorities retain the right to regulate the hours of doing Business, either as set forth elsewhere in this title or other applicable ordinances of the Village.

D. Temporary Outside Uses. Subject to the specific regulations and time limits that follow, the following temporary Uses may be permitted within Business districts:

1. Christmas Tree Sales. Within the B-1, B-2, B-3, B-4, B-S, and B-6 zoning districts and subject to the issuance of a temporary permit by the Village clerk. Such issuance shall be based upon the adequacy of the parcel size, adequacy of parking facilities, and impact upon adjoining Business. Such Use shall be limited to the period of the day following Thanksgiving through Christmas Day. No trees shall be located within thirty feet of the intersection of the curb lines of any two Streets.

Section 39. Amendment of Section 17.72.010. Section 17.72.010 entitled "General conditions" of Chapter 17.72 entitled "B-1 Local Business District" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

17.72.010 General conditions.

A. "Dwelling Units are not permitted below the second Story, and Business Uses are permitted only on the first Story, except offices may be above the first Story.

B. Each Business establishment is restricted to not more than five thousand square feet of Floor Area.

Section 40. Amendment of Section 17.72.020. Section 17.72.020 entitled "Permitted uses" of Chapter 17.72 entitled "B-1 Local Business District" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

17.72.020 Permitted Uses.

- A. Barber shops;
- B. Beauty parlors;
- C. Bicycle stores-sales, rental and ,repair;
- D. Candy and ice cream stores;
- E. Churches;
- F. Clothes pressing establishments;
- G. Drug stores;
- H; Dry-cleaning and laundry-receiving establishments;
- I. Food stores---Grocery stores, meat markets and delicatessens;
- J. Hardware stores;
- K. Libraries-branch;
- L. Offices-professional, Business or public;
- M. Shoe stores;
- N. Shoe and hat repair stores;
- O. Signs as regulated in Section 17.72.070;
- P. ;Variety stores;
- Q. Accessory Uses.

Section 41. **Amendment of Section 17.72.030.** Section 17.72.030 entitled “Special uses” of Chapter 17.72 entitled “B-1 Local Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.72.030 Special Uses.

- A. Other Business Uses similar to Permitted Uses listed above.
- B. Electric and telephone substations.
- C. Planned Development on a tract of land not more than five acres, nor less than three acres in area.
- D. Fences.

Section 42. **Amendment of Section 17.72.040.** Section 17.72.040 entitled “Floor area ratio” of Chapter 17.72 entitled “B-1 Local Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.72.040 Floor Area Ratio.

Not to exceed 0.8.

Section 43. **Amendment of Section 17.72.050.** Section 17.72.050 entitled “Building height” of Chapter 17.72 entitled “B-1 Local Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.72.050 Building Height.

Not to exceed thirty-five feet.

Section 44. **Amendment of Section 17.72.060.** Section 17.72.060 entitled “Yards” of Chapter 17.72 entitled “B-1 Local Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.72.060 Yards.

- A. Front Yard. Shall not be less than thirty feet in depth.
- B. Side Yards. Shall not be less than five feet wide.
- C. Rear Yards. Shall not be less than ten feet in depth.
- D. Transitional Yards. The minimum transitional Yard requirements for all Structures shall be not less than those specified below:
 - 1. Where a Side Lot Line coincides with a side or Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Lot Line. Such Yard shall be not less than the minimum dimension required for the adjacent residential district.
 - 2. Where a Rear Lot Line coincides with a Side Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall be not less than 30 feet in depth.
 - 3. Where a Rear Lot Line coincides with a Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yards shall be not less than 30 feet in depth.
 - 4. Where the extension of a front or Side Lot Line coincides with the Front Lot Line of an adjacent Lot located in a residential district, a Yard equal in depth to the minimum Front Yard required by this Ordinance on such adjacent residential Lot shall be provided along such front or Side Lot Line for a distance of at least 20 feet (including the width of any intervening Alley) from such residential Lot.

Section 45. **Amendment of Section 17.72.070.** Section 17.72.070 entitled “Signs” of Chapter 17.72 entitled “B-1 Local Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.72.070 Signs.

Nonflashing illuminated Signs with no moving parts, marquees, and Awnings, are permitted subject to applicable regulations set forth in the ordinances of the Village, in addition to the following:

A. The illumination of any Sign shall be only during Business hours. Where a Sign is illuminated by a light reflected upon it, direct rays of light shall not beam upon any part of an existing Residential Building, nor into a Residence District, nor into a Street. A Sign in direct line of vision of any traffic signal shall not have red, green, or amber illumination.

B. The Gross Surface Area in square feet of all Signs on a Lot shall not exceed the number of lineal feet in the frontage of the Lot; and each side of a Lot which abuts upon a Street shall be considered a separate frontage; and the gross area of all Signs located on each side of a Lot abutting a Street shall not exceed the number of lineal feet in such separate frontage.

C. Signs be affixed flat against the Building walls and not project therefrom more than eighteen inches.

D. No Sign shall project higher than the Building Height or twenty feet above Curb Level, whichever is lower.

E. In a unified shopping center in single ownership or control, one additional Sign may be erected for it. The Sign shall not exceed sixty square feet in area, nor display more than the name and location of the shopping center, its bottom shall be at least eight feet above the level of the ground and its overall height shall not exceed twenty-five feet above the Curb Level and such Sign may be located within a Front Yard or a Side Yard adjoining a Street but shall not be less than ten feet back from the abutting Street property line.

F. Awnings and marquees shall have headroom of not less than eight feet.

Section 46. **Amendment of Section 17.76.010.** Section 17.76.010 entitled “General conditions” of Chapter 17.76 entitled “B-2 Community Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.76.010 General conditions.

Dwelling Units are not permitted below the second Story.

Section 47. **Amendment of Section 17.76.020.** Section 17.76.020 entitled “Permitted uses” of Chapter 17.76 entitled “B-2 Community Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.76.020 Permitted Uses.

Uses permitted in B-1 district;
Antique shops;

Art and school supply stores;
 Art galleries-but not including auction rooms;
 Bakeries-retail sales and processing of bakery goods for retail sales only on the premises;
 Banks and financial institutions;
 Book and stationery stores;
 Camera and photographic supply stores;
 Carpet and rug stores;
 China and glassware stores;
 Clubs and lodges-private, fraternal or religious;
 Coin and philatelic stores;
 Currency exchanges;
 Custom dressmaking;
 Department stores;
 Dry goods stores;
 Electrical and household appliance stores, including radio and television sales;
 Flower shops and conservatories;
 Frozen food shops, including locker rental in conjunction therewith;
 Garden supply and seed stores;
 Gift shops;
 Haberdashery;
 Hobby shops-for retailing of items to be assembled or used away from the premises:
 Hotels, including dining and meeting rooms, provided that Business Uses other than those which are commonly incidental to a hotel Business shall not occupy Street frontage, but may, if of a nature permitted in these districts, occupy space fronting on a hotel hall or lobby.
 Loan offices:
 Locksmith shop;
 Mail order service stores:
 Medical and dental clinics;
 Meeting halls;
 Sewing machine sales and services-household machines only;
 Accessory Uses to the above Permitted Uses.

Section 48. Amendment of Section 17.76.030. Section 17.76.030 entitled "Special uses" of Chapter 17.76 entitled "B-2 Community Business District" of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code is hereby amended as follows:

17.76.030 Special Uses.

Any Special Use allowed in a B-1 district, except such as are Permitted Uses in the B-2-district, also:

Art galleries and museums-public;
Schools, public or parochial---elementary, junior high, high or junior college;
Convents, monasteries, theological schools, parish houses and rectories;
Libraries-public;
Planned Development on a tract of land not less than five acres:
Public utility and public services Uses;
Recreational Buildings and services Uses.

Section 49. **Amendment of Section 17.76.040.** Section 17.76.040 entitled “Floor area ratio” of Chapter 17.76 entitled “B-2 Community Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.76.040 Floor Area Ratio.
Not to exceed 2.0.

Section 50. **Amendment of Section 17.76.050.** Section 17.76.050 entitled “Building height” of Chapter 17.76 entitled “B-2 Community Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.76.050 Building Height.
Shall not exceed thirty-five feet

Section 51. **Amendment of Section 17.76.060.** Section 17.76.060 entitled “Yards” of Chapter 17.76 entitled “B-2 Community Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.76.060 Yards.

- A. Side Yards. Shall not be less than five feet wide.
- B. Rear Yards. Shall be not less than five feet in depth.
- C. Front Yards. Shall not be less than thirty feet in depth.
- D. Transitional Yards. The minimum transitional Yard requirements for all Structures shall be not less than those specified below:
 - 1. Where a Side Lot Line coincides with a side or Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Lot Line. Such Yard shall be not less than the minimum dimension required for the adjacent residential district;
 - 2. Where a Rear Lot Line coincides with a Side Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall not be less than thirty feet in depth;

3. Where a Rear Lot Line coincides with a Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall be not less than thirty feet in depth;

4. Where the extension of a front or Side Lot Line coincides with the Front Lot Line of an adjacent Lot located in a residential district, a Yard equal in depth to the minimum Front Yard required by this chapter on such adjacent residential Lot shall be provided along which front or Side Lot Line for a distance of at least twenty feet (including the width of any intervening Alley) from such residential Lot.

Section 52. **Amendment of Section 17.76.070.** Section 17.76.070 entitled “Signs” of Chapter 17.76 entitled “B-2 Community Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.76.070 Signs.

Nonflashing or flashing illuminated Signs with no external moving parts are permitted as subject to regulations set forth in Section 17.72.070 and as subject to the following:

A. Gross Surface Area in square feet shall not exceed the number of lineal feet in the frontage of the Lot

B. No Sign shall project more than eight feet, or two-thirds the width of the sidewalk, whichever is least, across the property line into a public right-of-way.

C. Any Sign located within three feet of a driveway, parking area, or within fifty feet of an intersection of two Streets, shall have the lowest elevation at least twelve feet above Curb Level.

D. No freestanding Sign shall project higher than thirty feet above Curb Level. Any Sign attached to a Building which is less than twenty feet in height may have a vertical projection above the Building Height but not to exceed fifty percent of the Building Height, seven feet above the Building Height or twenty feet above Curb Level, whichever is lower. Any Sign attached to a Building twenty feet or more in height shall not exceed the height of the Building or thirty feet above Curb Level, whichever is lower.

E. In a unified shopping center in single ownership or control, one additional Sign may be erected for it; the Sign shall not exceed one hundred twenty square feet in area; such Sign shall be set back at least half the required Yard depth distance from each abutting Street and its bottom edge shall be at least twelve feet above the level of the ground, and its overall height shall not exceed thirty feet above the Curb Level.

F. Awnings and marquees shall have a headroom of not less than eight feet.

Section 53. **Amendment of Section 17.80.010.** Section 17.80.010 entitled “Permitted uses” of Chapter 17.80 entitled “B-3 Service Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.80.010 Permitted Uses.

- Uses permitted in the B-2 districts;
- Automobile accessory stores;
- Clothing and costume rental shops;
- Dry-cleaning establishments, retail, employing not more than five persons, and having no equipment for dry-cleaning;
- Employment agencies;
- Equipment, appliance, household service and repair shops having one owner or manager and employing not more than five persons in addition to office help;
- Feed stores;
- Fire stations;
- Greenhouses;
- Libraries;
- Meat markets which include the sale of meat and meat products to restaurants, hotels, clubs and other similar establishments, when conducted as part of the retail Business on the premises;
- Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles;
- Parking Lots;
- Pet shops;
- Police stations;
- Plumbing showrooms;
- Radio and television service and repair shops;
- Recreational Buildings, community centers and meeting halls;
- Restaurants, including live entertainment and dancing;
- Schools, commercial or trade, not involving any danger of fire, explosion, nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences;
- Typewriter and adding machine sales and service establishments;
- Physical fitness facilities;
- Tanning facilities.

Section 54. **Amendment of Section 17.80.020.** Section 17.80.020 entitled “Special uses” of Chapter 17.80 entitled “B-3 Service Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.80.020 Special Uses.

- A. Special Uses allowed in the B-2 district, except such as are permitted in the B-3 district;
- B. Animal hospitals;

- C. Dog Kennels;
- D. Other service Business Uses;
- E. Wholesale establishments with storage of merchandise;
- F. Amusement establishments-bowling Alleys, dance halls, gymnasiums, swimming pools and skating rinks;
- G. Auction rooms;
- H. Automobile service stations for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation of minor services customarily incidental thereto; also, facilities for gear and chassis lubrication and for limited vehicle washing by hand, and not including truck and/or trailer sales, rentals or service, including therein campers; or the sale of vehicles, new or used.
- I. Motor Vehicle showroom sales and service;
- J. Fences;
- K. Laundries and dry-cleaning establishments, with more than five employees, or having on-site dry cleaning equipment.

Section 55. Amendment of Section 17.80.030. Section 17.80.030 entitled “Site and structure provisions-Yards” of Chapter 17.80 entitled “B-3 Service Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.80.030 Site and Structure provisions-Yards.

- A. Front Yard. Shall be not less than thirty feet in depth.
- B. Side Yards. Shall be not less than fifteen feet in width.
- C. Rear Yard. Shall be not less than fifteen feet in depth.
- D. Transitional Yards. The minimum transitional Yard requirements for all Structures shall be not less than those specified below:
 1. Where a Side Lot Line coincides with a side or Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Lot Line. Such Yard shall be not less than the minimum dimension required for the adjacent residential district;
 2. Where a Rear Lot Line coincides with a Side Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall be not less than thirty feet in depth;
 3. Where a Rear Lot Line coincides with a Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall be not less than thirty feet in depth;
 4. Where the extension of a front or Side Lot Line coincides with the Front Lot Line of an adjacent Lot located in a residential district, a Yard equal in depth to the minimum Front Yard required by this ordinance on such adjacent residential Lot shall be provided along such front or Side Lot Line for a distance of at least twenty feet (including the width of any intervening Alley) from such residential Lot.

Section 56. **Amendment of Section 17.80.040.** Section 17.80.040 entitled “Floor area ratio” of Chapter 17.80 entitled “B-3 Service Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.80.040 Floor Area Ratio.
Shall not exceed 2.0.

Section 57. **Amendment of Section 17.80.050.** Section 17.80.050 entitled “Building height” of Chapter 17.80 entitled “B-3 Service Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.80.050 Building Height.
Shall not exceed thirty-five feet.

Section 58. **Amendment of Section 17.84.010.** Section 17.84.010 entitled “Permitted uses” of Chapter 17.84 entitled “B-4 Service District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.84.010 Permitted Uses.

Amusement establishments---bowling Alleys, dance halls, gymnasiums, swimming pools, skating rinks and indoor movie theaters;

Auction rooms;

Automobile service stations for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation of minor services customarily incidental thereto; also, facilities for chassis and gear lubrication and for limited washing of vehicles by hand; and not including truck and/or trailer sales, rentals and service, including campers; or the sale of vehicles, new or used;

Boat showroom sales and service within an enclosed Building and accessory outside storage, provided such outside storage conforms with applicable Village regulations;

Building material sales and storage within an enclosed Building;

Contractors and construction yards, all materials to be within an enclosed Building;

Frozen food lockers;

Laundries and dry-cleaning establishments;

Printing shops;

Motels;

Motor Vehicle showroom sales and service.

Section 59. Amendment of Section 17.84.020. Section 17.84.020 entitled “Special uses” of Chapter 17.84 entitled “B-4 Service District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.84.020 Special Uses.

Special Uses as allowed in a B-1, B-2 and B-3 district.

Section 60. Amendment of Section 17.84.030. Section 17.84.030 entitled “Site and structure provisions-Yards” of Chapter 17.84 entitled “B-4 Service District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.84.030 Site and Structure provisions-Yards.

A. Front Yard. Shall be not less than thirty feet in depth.

B. Side Yards. Shall be not less than five feet wide.

C. Rear Yard. Shall be not less than ten feet in depth.

D. Transitional Yards. The minimum transitional Yard requirements for all Structures shall be not less than those specified below:

1. Where a Side Lot Line coincides with a side or Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Lot Line. Such Yard shall be not less than the minimum dimension required for the adjacent residential district;

2. Where a Rear Lot Line coincides with a Side Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall be not less than thirty feet in depth;

3. Where a Rear Lot Line coincides with a Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall be not less than thirty feet in depth;

4. Where the extension of a front or Side Lot Line coincides with the front line of an adjacent Lot located in a residential district, a Yard equal in depth to the minimum Front Yard required by this chapter on such adjacent residential Lot shall be provided along such front or Side Lot Line for a distance of at least twenty feet (including the width of any intervening Alley) from such residential Lot.

Section 61. Amendment of Section 17.84.040. Section 17.84.040 entitled “Floor area ratio” of Chapter 17.84 entitled “B-4 Service District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.84.040 Floor Area Ratio.

Shall not exceed 2.0.

Section 62. Amendment of Section 17.84.050. Section 17.84.050 entitled “Building height” of Chapter 17.84 entitled “B-4 Service District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.84.050 Building Height.

Shall not exceed thirty-five feet.

Section 63. Amendment of Chapter 17.88. Chapter 17.88 entitled “B-5 Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

B-5 BUSINESS DISTRICT

Sections:

17.88.010	Purpose.
17.88.020	Permitted Uses.
17.88.030	Special Uses.
17.88.040	Prohibited Uses.
17.88.050	Temporary Uses.
17.88.060	Accessory Uses.
17.88.070	Site and Structure provisions.
17.88.080	Special provisions.

17.88.010 Purpose.

The B-5 Business district is intended to control the development of lands to be used by retail Business firms that have high standards of performance and that can locate in close proximity to residential and Business Uses without creating nuisances. The district regulations were designed to permit retail Business activities with adequate protection to adjacent district Uses and control of external effects on the community. District Uses are limited to only those producing sales tax revenues to the Village.

17.88.020 Permitted Uses.

Permitted Uses of land or Buildings, as hereinafter listed, shall be permitted in accord with the conditions specified. No Building or zoning Lot shall be devoted to any Use other than a Use permitted hereinafter, and no Building or Structure shall be erected, altered, enlarged or occupied, except as a Permitted Use hereinafter, the zoning district in which such Building or zoning Lot shall be located, unless otherwise specifically allowed by this chapter. Uses lawfully established on the effective date of the ordinance codified

in this chapter and rendered nonconforming by the provisions thereof, shall be subject to the regulations of Chapter 17.16. The following Uses only are permitted in the B-5 Business district:

A. Retail Business Uses.

Automobile accessory stores;

Automobile vehicles sales;

Boat and marine showrooms and sales;

Building material supplies, sales and service;

Camper and recreational vehicle sales;

Catalog sales stores;

Farm supply stores;

Feed stores;

Garden supply and seed stores;

Machinery sales;

Mobile home dealers;

Motorcycle sales;

Plumbing and heating showrooms and shops;

Roofing sales and services;

Snowmobile sales and service;

Swimming pool sales and service;

Tire, battery and accessory dealers;

Tombstone and monument sales;

Trailer sales and rentals (twenty thousand pounds or less gross weight);

Truck sales and service (twenty thousand pounds or less gross weight).

17.88.030 Special Uses.

Special Uses may be allowed Subject to the issuance of Special Use permits in accordance with the provisions of Chapter 17.24. All Businesses locating on a floodplain, or on the fringe of a designated foodplain, will require a Special Use permit.

17.88.040 Prohibited Uses.

The following Uses, as well as ones of similar nature, are prohibited:

A. Automobile race tracks, raceways and speedways;

B. Junk yards and salvage companies;

C. Land fill, dump;

D. Signs and billboards, unless authorized under the B-5 Business district;

E. Wholesale Uses.

17.88.050 . Temporary Uses.

Upon application to and issuance by the department of Building and private grounds of a permit therefor; the" following Uses may be operated as temporary Uses:

A. Temporary Buildings or Yards for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. The permit shall specify the Permitted Use, the location of the Building or Yard and the area of permitted

operation. Each such permit shall be valid for a period of not more than six calendar months and shall not be renewed for more than four successive periods at the same location. There shall not be undue interference with the Use and enjoyment of neighboring property.

B. Temporary real estate office, incidental and necessary for the sale or rental of real property in the development in which such office is located. The permit shall specify the location of the office. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than three successive periods at the same location.

17.88.060 Accessory Uses.

Accessory Uses, Buildings or other Structure customarily incidental to and commonly associated with a Principal Use may be permitted; provided, they are operated and maintained under the same ownership and on the same Lot as the Permitted Use, do not include Structures or structural features inconsistent with the Permitted Use, and do not involve the conduct of any Business, profession, trade or industry. Accessory Uses may include the following, as well as Uses similar to the following:

A. Garages, carports or other parking spaces. Truck parking shall be limited to vehicles of not over one and one-half tons capacity when located within one hundred fifty feet of a residential district boundary line.

B. Signs as regulated by Chapter 17.76.

C. Tool houses, Sheds and other similar Buildings for the storage of supplies and equipment, except highly flammable materials.

D. Vending machines.

E. Water retention and retention areas.

17.88.070 Site and Structure provisions.

Uses in the B-5 district shall conform to the requirements set forth in this section:

A. Minimum Lot Area. A separate ground area of not less than ten thousand square feet shall be designated, provided and continuously maintained for each Permitted Use.

B. Minimum Lot Width. A minimum Lot width of sixty feet shall be provided for each lot used for a Permitted Use.

C. Front Yard. All Structures shall be set back from the Front Lot Line at least thirty feet.

D. Interior Side Yard (Adjacent to a Zoning Lot). All Structures shall be set in from the Side Lot Line a distance of not less than ten feet.

E. Corner Side Yard (Adjacent to a Street). All Structures shall be set in from the Side Lot Line adjacent to the Street right-of-way a distance of not less than thirty feet.

F. Rear Yard. All Structures shall be set back from the Rear Lot Line at least ten feet.

G. Transitional Yards. The minimum transitional Yard requirements for all Structures shall be not less than those specified below:

1. Where a Side Lot Line coincides with a side or Rear Lot Line in an adjacent residential district, a Yard shall be provided along such side Lot. Such Yard shall be not less than the minimum dimension required for the adjacent residential district;

2. Where a Rear Lot Line coincides with a Side Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall be not less than thirty feet in depth;

3. Where a Rear Lot Line coincides with a Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall be not less than thirty feet in depth.

H. Floor Area Ratio. The maximum Floor Area Ratio shall not exceed 1.2.

I. Building Height. The maximum permissible Building Height shall be thirty-five feet.

17.88.080 Special provisions.

Uses in the B-5 Business district shall conform to the requirements set forth in this section:

A. Parking Requirements.

1. All Uses shall conform to the applicable requirements for off-Street parking set forth in Chapter 17.20;

2. One space will be required for each two hundred square feet of gross Floor Area.

B. Off-Street Loading Space. For all Permitted Uses, one loading berth will be required in accordance with the following schedule:

Floor Area of Establishment in Thousands of Square Feet	Required Number and Size of Berths
5 to 10	1 - (10 ft. x 25 ft.)
10 to 25	2 - (10 ft. x 25 ft. ea.)
25 to 40	2 - (12 ft. x 65 ft. ea.)
40 to 100	3 - (12 ft. x 65 ft. ea.)

For each additional two hundred thousand square feet of Floor Area, one additional berth shall be provided; each such additional berth shall be at least twelve feet in width by sixty-five feet in length.

C. Sign Requirements. All Uses shall conform to the applicable requirements for Signs as set forth in Chapters 17.76.

D. Sewer and Water. All Uses requiring sanitary facilities shall be served by public sewerage and water.

E. Business Requirements.

1. Mixed Uses are prohibited;

2. "All Business establishments shall be retail service establishments dealing directly with consumers. All goods sold shall be sold at retail on the premises;

3. Enclosure of Use. All Business/servicing operations shall be conducted within Completely Enclosed Buildings, unless otherwise indicated hereinafter;

4. Outdoor storage. All outdoor storage facilities shall be effectively enclosed and screened from view by a safety Fence, wall or plant materials adequate to conceal such facilities from adjacent properties and the public right-of-way, unless authorized by the Board. The outdoor storage of uncontained Bulk material is prohibited;

5. Surfacing. All outdoor sales space shall be provided with a permanent, durable and dustless surface and shall be graded and drained to dispose of all surface water.

Section 64. Amendment of Chapter 17.92. Chapter 17.92 entitled “B-6 Business District” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

B-6 BUSINESS DISTRICT

Sections:

- 17.92.010 Business district.**
- 17.92.020 Permitted Uses.**
- 17.92.030 Special Uses.**
- 17.92.040 Prohibited Uses.**
- 17.92.050 Temporary Uses.**
- 17.92.060 Accessory Uses.**
- 17.92.070 Site and Structure provisions.**
- 17.92.080 Special provisions.**
- 17.92.090 Floodplain regulations compliance.**

17.92.010 Business district.

The B-6 Business district is intended to control the development of lands to be used by Business firms that have high standards of performance and that can locate in close proximity to residential and Business Uses without creating nuisances. The district regulations are designed to permit general Business activities with adequate protection to adjacent district Uses and control of external effects on the community.

17.92.020 Permitted Uses.

A. Permitted Uses of land or Buildings, as listed in this section, shall be permitted in accord with the conditions specified. No Building or zoning Lot shall be devoted to any Use other than a Use permitted hereinafter and no Building or Structure shall be erected, altered, enlarged or occupied, except as a Permitted Use hereinafter, in the zoning district in which such Building or zoning Lot shall be located, unless otherwise specifically allowed by this chapter. Uses lawfully established on the effective date of the ordinance codified in this chapter, and rendered nonconforming by the provisions thereof,

shall be subject to the regulations of Chapter 17.16. The following Uses only are permitted in the B-6 Business district:

A. Business Uses.

1. Business/Office Uses.

Amusement establishments:

- a. Bowling alleys.
- b. Dance halls,
- c. Gymnasiums.
- d. Indoor movie theaters.
- e. Skating rinks.

f. Swimming pools:

Antique shops;

Art and school supply stores;

Art galleries, but not including auction rooms;

Auction rooms;

Automobile accessory stores;

Automobile vehicle sales;

Bakeries-retail sales (processing of bakery goods for retail sales only on the premises);

Banks and financial institutions;

Barber shops;

Beauty parlors;

Bicycle stores (sales, rentals and repairs);

Boat and marine showrooms (sales and service within an enclosed Building-accessory outside storage permitted provided such outside storage conforms with applicable Village regulations);

Book and stationery stores;

Building material supplies (sales and service-storage within an enclosed Building);

Camera and photographic supply stores;

Camper and recreational vehicle sales;

Candy and ice cream stores;

Carpet and rug stores;

Catalog sales stores;

China and glassware stores;

Churches;

Clothing and costume rental stores;

Clothes pressing establishments;

Clubs and lodges (private, fraternal or religious);

Coin and philatelic stores;

Contractors and construction yards-all materials to be within an enclosed Building;

Currency exchanges;

Custom dressmaking;

Department stores;
 Drug stores;
 Dry-cleaning and laundry establishments, retail (drop off and pick up only -
 employing not more than five persons, and having no equipment for dry-cleaning);
 Dry good stores;
 Electrical and household appliance sales stores (including radio and television);
 Employment agencies;
 Equipment shops (household appliance service and repair-having one owner or
 manager and employing not more than five persons in addition to office help);
 Farm supply stores;
 Feed stores;
 Fire stations;
 Flower shops and conservatories;
 Food stores (including grocery stores, meat markets and delicatessens);
 Frozen food shops (including locker rental in conjunction therewith);
 Garden supply and seed stores;
 Gift shops;
 Greenhouses;
 Haberdashery shops;
 Hardware stores;
 Hobby shops (for retailing of items to be assembled or used away from the
 premises);
 Hotels (including dining and meeting rooms. provided that Business Uses other
 than those which are commonly incidental to a hotel Business shall not occupy Street
 frontage, but may, if a nature permitted in these districts, occupy space fronting on a hotel
 hall or lobby);
 Laundries and dry-cleaning establishments;
 Libraries (including branch libraries);
 Loan offices;
 Locksmith shops;
 Machinery sales;
 Mail order service stores;
 Meat markets (may include the sale of meat and meat products to restaurants.
 Hotels, clubs and other similar establishments when conducted as part of the retail
 Business on the premises);
 Medical and dental clinics;
 Meeting halls;
 Motels;
 Motorcycle sales;
 Motor Vehicle showrooms (sales and service other than those expressly
 prohibited);
 Offices (Business. professional or public);
 Orthopedic and medical appliance stores (but not including the assembly or
 manufacture of such articles);

Parking Lots;
 Pet shops;
 Plumbing and heating showrooms and shops;
 Police stations;
 Radio and television service and repair shops;
 Recreational Buildings, community centers and meeting halls;
 Restaurants (with or without live entertainment and/or dancing);
 Roofing sales and services;
 Schools (commercial or trade-not involving any danger of fire, explosion, or offensive noise vibration. smoke. dust, odor. glare. heat, or other objectionable influences);
 Sewing machine sales and services (household machines only);
 Shoe and hat repair shops;
 Shoe stores;
 Snowmobile sales and services;
 Tire, battery and accessory dealers;
 Tombstone and monument sales;
 Typewriter and adding machine sales and service establishments;
 Variety stores;
 Accessory Uses to the above Permitted Uses;
 2. Warehousing Uses. Shall be listed only to warehouse facilities ancillary to the Permitted Uses listed above and not as independent or separate Uses.

17.92.030 Special Uses.

Special Uses may be allowed subject to the issuance of Special Use permits in accordance with the provisions of Chapter 17.24.

- A. Fences;
- B. Planned Development.

17.92.040 Prohibited Uses.

The following Uses, as well as ones of similar nature, are prohibited:

- A. Automobile race tracks, raceways and speedways;
- B. Junk yards and salvage companies;
- C. Land fill or dump;
- D. Signs and billboards, unless authorized under this chapter or Chapter 15.12;
- E. Automobile service stations;
- F. Trailer sales and service;
- G. Truck sales and service;
- H. Mobile home dealers;
- I. Storage of flammable or combustible Bulk materials;
- J. Underground storage facilities over ten thousand gallons;
- K. Storage of Bulk chemicals;
- L. All items not expressly outlined in Section 17.92.010, 17.92.020, and 17.92.040 are prohibited.

17.92.050 Temporary Uses.

Upon application to and issuance by the department of Building and private grounds of a permit therefor, the following Uses may be operated as temporary Uses:

A. Temporary Buildings or Yards (for construction materials and/or equipment, both incidental and necessary to construction in the zoning district).

1. The permit shall specify the Permitted Use, the location of the Building or Yard and the area of permitted operation;

2. Each such permit shall be valid for a period of not more than six calendar months and shall be renewed for more than four successive periods at the same location;

3. There shall not be undue interference with the Use and enjoyment of neighboring property.

B. Temporary real estate office (incidental and necessary for the sale or rental of real property in the development in which such office is located).

1. The permit shall specify the location of the office;

2. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than three successive periods at the same location.

17.92.060 Accessory Uses.

Accessory Uses, Buildings or other Structures customarily incidental to and commonly associated with a Principal Use may be permitted, provided they are operated and maintained under the same ownership and on the same Lot as the Permitted Use, do not include Structures or structural features inconsistent with the Permitted Use, and do not involve the conduct of any Business, profession, trade or industry. Accessory Uses may include the following as well as uses similar to the following:

A. Garages, carports or other parking spaces: truck parking shall be limited to vehicles of not over one and one-half tons capacity when located within one hundred fifty feet of a residential district boundary line.

B. Signs, as regulated by Chapters 17.76 or 15.12.

C. Tool houses, Sheds and other similar Buildings for the storage of supplies and equipment, except highly flammable materials.

D. Vending machines.

E. Water retention and detention areas.

17.92.070 Site and Structure provisions.

Uses in the B-6 Business district shall conform to the requirements set forth in this section:

A. Minimum Lot Area. A separate ground area of not less than ten thousand square feet shall be designated, provided and continuously maintained for each Building.

B. Minimum Lot Width. A minimum Lot width of sixty feet shall be provided for each Lot used for each Building.

C. General Yard Setback-All Yards. Buildings of two or more stories shall be no closer to another Building than one-half the height of the taller Building.

D. Front Yard. All Structures of thirty-five feet in height or less shall be set back from the Front Lot Line at least thirty feet. Structures in excess of thirty-five feet in height shall be set back an additional one foot for each three feet of height in excess of thirty-five feet. Parking may be allowed beyond the first thirty feet of such setback.

E. Interior Side Yard (Adjacent to a Zoning Lot). All Structures shall be set in from the Side Lot Line a distance of not less than fifteen feet.

F. Corner Side Yard (Adjacent to a Street). All Structures shall be set in from the Side Lot Line adjacent to the Street right-of-way a distance of not less than thirty feet.

G. Rear Yard. All Structures shall be set back from the Rear Lot Line at least fifteen feet.

H. Transitional Yards. The minimum transitional Yard requirements for all Structures shall be not less than those specified below:

I. Where a Side Lot Line coincides with a side or Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Lot Line. Such Yard shall be not less than the minimum dimension required for the adjacent residential district;

2. Where a Rear Lot Line coincides with a Side Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall be not less than thirty feet in depth;

3. Where a Rear Lot Line coincides with a Rear Lot Line in an adjacent residential district, a Yard shall be provided along such Rear Lot Line. Such Yard shall be not less than thirty feet in depth.

I. Floor Area Ratio. The maximum Floor Area Ratio shall not exceed 2.0.

J. Building Height. The maximum permissible Building Height shall be ninety-five feet.

K. Office/Warehouse Ratio.

1. Structures with Areas up to Three Thousand Square Feet. Individual units of office/warehouse Structures having areas of three thousand square feet or less shall have at least fifteen percent of their area allocated for office Use;

2. Structures with Areas Greater than Three Thousand Square Feet. Individual units of office/warehouse Structures having areas greater than three thousand square feet shall have at least ten percent or four hundred fifty square feet of their area, whichever is greater, allocated for office Use;

3. Bulk Regulations. On any parcel of land which is zoned for B-6 Use and upon which one or more office/warehouse Structures are to be erected, at least sixty percent of the sum total of the gross Floor Area(s) of (all) the Structure(s) that can be erected upon the buildable area of said parcel of land shall be allocated for Use as office space. In the event there is more than one Structure to be erected on the parcel under consideration, the foregoing percentage shall be applied to the total buildable area in the entire parcel and not to each individual Structure. However, to insure ultimate compliance with the Bulk regulations set forth herein, the developer of any parcel which may contain more than one Structure shall, prior to the issuance of the Building permit for the first Structure, submit a conceptual plan indicating the allocation of office space for the Structures intended to be built on the parcel, which plan shall be amendable by the developer at any time up to

and including issuance of Building permits for Structures comprising buildable areas not to exceed forty percent of the gross Floor Area to be constructed on the parcel.

17.92.080 Special provisions.

Uses in the B-6 Business district shall conform to the requirement set forth in this section:

A. Parking Requirements.

1. All uses shall conform to the applicable requirements for off-Street parking set forth in Chapter 17.20;

2. Business and Professional Offices. One space will be required for each two hundred fifty square feet of gross office area;

3. Warehouse and storage areas: One parking space shall be provided for each one thousand two hundred gross square feet of gross office area, or one parking space per one employee, whichever is greater;

4. All Uses with more than fifty percent retail trade will require one additional space per one thousand square feet except for restaurants and high-volume retail. Restaurants and high-volume retail parking spaces will be determined by review of the Commission.

B. Off-Street Loading Space. For all Permitted Uses, one loading berth will be permitted in accordance with the following schedule:

Floor Area of Establishment in Thousands of Square Feet	Required Number and Size of Berths
5 to 10	1 - (10 ft. x 25 ft.)
10 to 25	2 - (10 ft. x 25 ft. ea.)
25 to 40	2 - (12 ft. x 65 ft. ea.)
40 to 100	3 - (12 ft. x 65 ft. ea.)

For each additional two hundred thousand square feet of Floor Area, one additional berth shall be provided; each such additional berth shall be at least twelve feet in width by sixty-five feet in length.

C. Sign Requirements. All Uses shall conform to the applicable requirements for Signs as set forth in Chapters 17.76 and 15.12.

D. Sewer and Water. All Uses requiring sanitary facilities shall be served by public sewerage and water systems.

E. Business Requirements-Enclosure of Use. All Business/servicing and storage operations shall be conducted within Completely Enclosed Buildings.

17.92.090 Floodplain regulations compliance.

A. All construction in the B-6 Business district shall comply in all respects with federal, state and local statutes and ordinances, as well as pertinent regulations of the Metropolitan Sanitary District regarding floodplain control.

B. Such construction shall be subject to review and had approval of the Village engineer to determine compliance and be subject to final approval by the president and Board prior to issuance of the Building permit.

Section 65. **Amendment of Section 17.96.010.** Section 17.96.010 entitled “Permitted uses” of Chapter 17.96 entitled “Institutional Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.96.010 Permitted Uses.

A. Institutions for the care of the aged or children, but not including the care of feeble-minded and insane persons.

B. Nursing homes, sheltered-care homes and homes for the aged.

Section 66. **Amendment of Section 17.96.020.** Section 17.96.020 entitled “Lot specifications” of Chapter 17.96 entitled “Institutional Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.96.020 Lot specifications.

A. Lot Area. Not less than one acre.

B. Lot width. Not less than three hundred feet at the Front Lot Line.

C. Lot Depth. Not less than one hundred twenty feet.

Section 67. **Amendment of Section 17.96.030.** Section 17.96.030 entitled “Floor area ratio” of Chapter 17.96 entitled “Institutional Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.96.030 Floor Area Ratio.

Not to exceed 0.6 for any Permitted Use.

Section 68. **Amendment of Section 17.96.040.** Section 17.96.040 entitled “Building height” of Chapter 17.96 entitled “Institutional Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.96.040 Building Height.

Not to exceed thirty-five feet.

Section 69. Amendment of Section 17.96.050. Section 17.96.050 entitled “Yard specifications” of Chapter 17.96 entitled “Institutional Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.96.050 Yard specifications.

- A. Front Yards. Not less than forty feet in depth.
- B. Side Yards. Two Side Yards with neither Side Yard less than thirty feet in width.
- C. Rear Yards. Not less than forty feet in depth.

Section 70. Amendment of Section 17.96.060. Section 17.96.060 entitled “Signs” of Chapter 17.96 entitled “Institutional Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.96.060 Signs.

One Sign may be erected within a Front Yard or a Side Yard adjoining a Street. Such Sign shall not exceed thirty square feet in area. nor display more than the name and type of the Use on the premises where it is located, and shall not be located nearer than twenty feet from the abutting Street property line, nor shall it have an overall height of twelve feet above Curb Level.

Section 71. Amendment of Chapter 17.100. Chapter 17.100 entitled “Open Land Districts Generally” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

OPEN LAND DISTRICTS GENERALLY

Sections:

17.100.010 Purpose.

17.100.010 Purpose.

1. This section establishes one or more zoning classifications whereby certain areas (lands and properties) within the Village can be classified and designated open land districts in order to maintain open space(s) of green area.
2. Land(s) may be zoned within such open land classification(s) as may be established by the Village or may be allowed within other districts established by this title depending upon specified Use regulations.
3. Open land districts are intended to provide for the zoning and common

classifications of privately owned properties or those lands held in public trust by governmental entities as provided by statute, said lands to be set aside as permanent open land by deed restriction, by pre-annexation agreement or as Planned Developments in whole or in part.

Section 72. **Amendment of Section 17.104.020.** Section 17.104.020 entitled “General uses” of Chapter 17.104 entitled “P-1 Open Land Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.104.020 General Uses.

Use, Lot and Bulk regulations applying specifically to the P-1a and P-1b open land districts are set forth in Sections 17.104.030 through 17.104.070. Also applying to the P-1a and P-1b districts are regulations set forth in other chapters as follows:

- Chapter 17.08-Definitions;
- Chapter 17.12-General provisions;
- Chapter 17.24---Administration and enforcement.

Section 73. **Amendment of Section 17.104.030.** Section 17.104.030 entitled “Permitted uses” of Chapter 17.104 entitled “P-1 Open Land Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.104.030 Permitted Uses.

A. Uses of land, as listed in this section, shall be permitted in accord with conditions specified. Property zoned P-1a or P-1b shall be devoted to no Use other than a Permitted Use hereinafter listed, and no Building or Structure of any kind shall be erected on land zoned P-1a or P-1b.

B. Uses lawfully established on the effective date of the ordinance codified in this chapter, and rendered nonconforming by the provisions of this chapter shall be subject to the regulations of Chapter 17.16.

C. The following Uses are permitted in the P-1a and P-1b districts:

1. Cemeteries (accessory to religious institutions);
2. Forest preserves;
3. Public property (as defined in Chapter 8.36);
4. Stormwater retention or detention areas.

Section 74. **Amendment of Section 17.104.040.** Section 17.104.040 entitled “Special uses” of Chapter 17.104 entitled “P-1 Open Land Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.104.040 Special Uses.

Special Uses may be allowed subject to the issuance of Special Use permits in accordance with the provisions of Chapter 17.24.

Section 75. Amendment of Section 17.104.050. Section 17.104.050 entitled “Temporary uses” of Chapter 17.104 entitled “P-1 Open Land Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.104.050 Temporary Uses.

Temporary Uses may be allowed for municipality-sponsored events after issuance of a temporary permit by the Village clerk.

Section 76. Amendment of Section 17.104.060. Section 17.104.060 entitled “Prohibited Uses” of Chapter 17.104 entitled “P-1 Open Land Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.104.060 Prohibited Uses.

All Uses not expressly authorized in this chapter are expressly prohibited.

Section 77. Amendment of Section 17.104.070. Section 17.104.070 entitled “Site provisions” of Chapter 17.104 entitled “P-1 Open Land Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

17.104.070 Site provisions.

No minimum land area; no minimum Lot width.

Section 78. Amendment of Chapter 17.108. Chapter 17.108 entitled “P-2 Open Land Districts” of Title 17 entitled “Zoning” of the Indian Head Park Municipal Code is hereby amended as follows:

P-2 OPEN LAND DISTRICTS

Sections:

- 17.108.010 Description.**
- 17.108.020 General Uses.**
- 17.108.030 Permitted Uses.**
- 17.108.040 Special Uses.**

- 17.108.050 Temporary Uses.
- 17.108.060 Accessory Uses.
- 17.108.070 Prohibited Uses.
- 17.108.080 Site and Structure provisions.
- 17.108.090 Off-Street parking.
- 17.108.100 Special provisions-Sewer and water.

17.108.010 Description.

The P-2 open land districts are intended to provide for the zoning and classification of publicly or privately owned property which is set aside as permanent open land and upon which certain Structures may be erected.

- A. P-2a Open land districts upon which land public access is permitted.
- B. P-2b Open land district upon which land public access is prohibited.

17.108.020 General Uses.

Use, Lot and Bulk regulations applying specifically to the P-2a and P-2b open land districts are set forth in Sections 17.108.030 through 17.108.100. Also applying to the P-2a and P-2b districts are regulations set forth in chapters as follows:

- Chapter 17.08-Definitions;
- Chapter 17.12-General provisions;
- Chapter 17.16-Nonconforming Buildings. Structures and Uses:
- Chapter 17.20-Off-Street parking and loading;
- Chapter 17.24--Administration and enforcement.

17.108.030 Permitted Uses.

A. Uses of land or Buildings. as hereinafter listed, shall be permitted in accord with conditions specified. Property zoned P-2a and P-2b shall be devoted to no Use other than a Permitted Use, listed in this section. No Building or Structure shall be erected, altered, enlarged, or occupied, except as a Permitted Use, in the zoning district in which such Building or Structure may be permitted according to the conditions set forth in this section.

B. Uses lawfully established on the effective date of the ordinance codified in this chapter, and rendered nonconforming by the provisions thereof, shall be subject to the regulations of Chapter 17.16.

C. The following Uses are permitted in the P-2a and P-2b Districts:.

- 1. Educational Institutions.
 - a. Public elementary schools, nonboarding, both private and public,
 - b. High schools,
 - c. Vocational and technical schools;
- 2. Recreational and Social Facilities.
 - a. Forest preserves,
 - b. Golf courses,
 - c. Parks, playgrounds and community centers,

- d. Recreation centers operated not-for-profit where most of the recreation facilities are outdoors,
- e. Greenhouses and conservatories; ..
- 3. Buildings and Facilities Owned Privately or by Governmental Entities.
 - a. Churches, monasteries and other religious establishments,
 - b. Cemeteries (with or without chapels, crematoriums, or mausoleums),
 - c. Fire stations,
 - d. Libraries,
 - e. Municipal facilities,
 - f. Museums,
 - g. Police stations,
 - h. Post offices,
 - i. Salt storage enclosures,
 - j. Water reservoirs and water works.

17.108.040 . Special Uses.

- A. Special Uses may be allowed subject to the issuance of Special Use permits in accordance with the provisions of Chapter 17.24.
- B. Signs, as governed by provisions of this title and Chapter 15.12.

17.108.050 Temporary Uses.

A. Temporary Uses are permitted as follows: Temporary Buildings, offices or yards for construction materials and/or equipment, both incidental and necessary to construction in the zoning district.

The permit shall specify the location of the Building, office or Yard and the area of permitted temporary operation. Each such permit shall be valid for a period of not more than six months.

B. Temporary Uses may be allowed for municipality-sponsored events after issuance of a temporary permit by the Village clerk.

17.108.060 Accessory Uses.

A. Buildings or other Structures customarily incidental to but commonly associated with a Principal Use (permitted or special) may be permitted, provided the Accessory Building(s) or other Structure(s) is (are) operated and maintained under the same ownership and on the same Lot as the Permitted Use, but do not include Structures or structural features inconsistent with the Permitted Use, and do not involve the conduct of any Business (except in an incidental sense), profession, trade or industry.

B. Accessory Uses may include the following Uses as well as similar ones to those hereinafter listed:

- 1. Clubhouses;
- 2. Dining facilities;
- 3. Fallout shelters;
- 4. Garages and Parking Lots;
- 5. Gardening plots;

6. Kiosks;
7. Pavilions;
8. Pro shops;
9. Snack bars;
10. Swimming pools, tennis courts and other recreational courts incidental to public Structures or facilities;
11. Vending machines enclosures.

17.108.070 Prohibited Uses.

All Uses not expressly authorized in Sections 17.108.020 through 17.108.060 are expressly prohibited.

17.108.080 Site and Structure provisions.

Uses in the P-2a and P-2b districts shall conform to the requirements set forth in this section:

A. Minimum Lot Area. A separate ground area of not less than ten thousand square feet shall be designated, provided and continuously maintained for each Permitted Use.

B. Minimum Lot Width. A minimum Lot width of seventy-five feet shall be provided for each Lot used for a Permitted Use.

C. Yards.

1. Front Yard. All Structures shall be set back from the Front Lot Line at least equal to that of the adjacent zoning district. If a property classified as P-2a or P-2b is adjacent to more than one zoning district, the Front Yard shall be at least equal to that of the district requiring the greatest Front Yard;

2. Interior Side Yard. An interior Side Yard shall be required at least equal to that of the adjacent zoning district. If a property classified as P-2a or P-2b is adjacent to more than one zoning district, the Side Yard shall be at least equal to that of the district requiring the greatest Side Yard;

3. Corner Side Yard. All Structures shall be set in from the Side Lot Line adjacent to the Street right-of-way equal to that of the adjacent zoning district. If a property classified as P-2a or P-2b is adjacent to more than one zoning district, the corner Side Yard shall be at least equal to that of the district requiring the greatest corner Side Yard;

4. Rear Yard. A Rear Yard shall be required at least equal to that of the adjacent zoning district. If a property classified as P-2a or P-2b is adjacent to more than one zoning district, the Rear Yard shall be at least equal to that of the district requiring the greatest Rear Yard.

D. Yards Where Adjacent Property Has No Minimum Yard Requirements.

I. Front Yard. All Structures shall be set back from the Front Lot Line at least thirty feet;

2. Interior Side Yard. All Structures shall be set in from the Side Lot Line a distance of not less than ten feet;

3. Corner Side Yard. All Structures shall be set in from the Side Lot Line adjacent to the Street right-of-way a distance of not less than thirty feet;

4. Rear Yard. All Structures shall be set back from the Rear Lot Line at least ten feet.

E. Floor Area Ratio. The maximum Floor Area Ratio shall not exceed 1.2.

F. Building Height The maximum permissible Building Height shall not be more than thirty-five feet.

17.108.090 Off-Street parking.

Uses of off-Street parking in P-2a and P-2b Districts shall conform to the requirements set forth in this section:

A. Off-Street Parking and Loading Requirements. All Uses shall conform to the applicable requirements for off-Street parking and loading for Business Uses as set forth in Chapter 17.20.

B. Trucks. The parking of trucks as an Accessory Use, when used in the conduct of a Principal Use listed in the P-2 districts, shall be limited to publicly owned vehicles when located within one hundred fifty feet of a residence district boundary line.

17.108.100 Special provisions-Sewer and water.

All Structures and Uses requiring sanitary facilities shall be served by a municipality sewer and water system. A private individual sewage disposal system and water supply may be allowed on a temporary basis only if approved by the Board.

Section 79: Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with these ordinance revisions and additions are repealed, insofar as a conflict may exist.

Section 80: 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 81: Effective Date. This ordinance shall take effect ten (10) days following its passage, approval and publication in pamphlet form.

ADOPTED this 12th day of March, 2015, pursuant to a roll call vote as follows:

AYES: Trustees; Bailey, Hinshaw, O’Laughlin, Schnauffer, Walsh, and Wittenberg.

NAYS: None

ABSENT: None

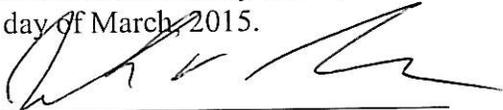
ABSTENTION: None

APPROVED by me this 12th day of March, 2015.



Richard S. Andrews, President of the
Village of Indian Head Park, Cook County, Illinois

ATTESTED and filed in my office,
this 12th day of March, 2015.



Joseph W. Consolo, Clerk of the Village
of Indian Head Park, Cook County, Illinois