

VILLAGE OF
OAK BROOK
Illinois

VILLAGE OF OAK BROOK
1200 Oak Brook Road
TA – Zoning Regulations – Outdoor Dining

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VILLAGE OF OAK BROOK
Zoning Board of Appeals

STAFF REPORT

DATE: February 26, 2020

CASE NO: 2020-05-ZO-TA

DESCRIPTION: Text Amendment to add Outdoor Dining to Chapter 7 Business Districts and Chapter 10 Office Research Assembly Districts of the Zoning Ordinance

Add to Sections 13-7A-1, 13-7B-1, 13-7C-1, 13-7D-1, 13-10D-1, 13-10C-2, AND 13-10E-1 "Restaurant" within the permitted section to include "Outdoor dining areas" and from Sections 13-7A-2, 13-7B-2, 13-7C-2, 13-10B-2, 13-10D-2, AND 13-10E-2 remove from Special Use "Outdoor dining areas adjacent to restaurants". Include outdoor dining as a Special Use along with restaurants in the ORA-1 District (13-10A-2).

PETITIONER: Village of Oak Brook

ADDRESS/LOCATION: NA

EXISTING ZONING: NA

BACKGROUND:

The Village of Oak Brook has submitted a petition seeking approval of text amendments to the Zoning Ordinance Chapter 7 Business Districts and Chapter 10 Office-Research-Assembly Districts to allow outdoor dining areas for restaurants as permitted uses. This text amendment will include revisions to the related permitted and special use sections of the Zoning Ordinance of the Village Code.

At the present time, outdoor dining area applications are processed and considered a special use permit. A special use petition is reviewed by the Plan Commission at a public meeting and then subsequently reviewed by the Zoning Board of Appeals at a public hearing. Both of these commission/board recommendations are forwarded to the Village Board and the Village Board votes to approve or deny the request. This entitlement process is somewhat redundant and takes at least 60-90 days to achieve completion/approval.

The Village has approved over thirty-five (35) outdoor dining area requests since the 1990's. Staff is proposing that this text amendment allow outdoor dining areas to be permitted uses with the six (6) conditions identified in the draft ordinance language. The current process can be consolidated to make it more efficient, more timely, and less expensive for an applicant to receive the necessary approvals. This proposal will ultimately allow the applicant to get approval of a building permit administratively as long as the conditions in the ordinance are met.

**STAFF REPORT – VOB – OUTDOOR DINING
CASE NO. 2020-05-ZO-TA**

The proposed amendments were reviewed by the Plan Commission during its comprehensive review of the zoning regulations in 2016 and 2017. The Plan Commission discussed the value and benefits of allowing outdoor dining areas without a special use permit at their meetings from February 25, 2016 through June 19, 2017. The actual text reviewed by the Plan Commission simply referenced the changes to make outdoor dining areas a permitted use rather than a special use.

Staff thought it appropriate to not only make the change from special use to permitted use but also add conditions to better regulate the outdoor dining areas for the purposes of setbacks, pedestrian and vehicle circulation, hours of operation, and entertainment. The format of the update differs from the current Zoning Ordinance. As staff is extracting the Outdoor Dining item, in advance of the entire zoning ordinance review, staff has redrafted the language to work within the current Zoning Ordinance format but has not changed the intent of the revision.

The proposed text amendments to all applicable districts have been provided as part of this case file. The new proposed language that has been added to the text of the zoning ordinance is redlined and underlined while text that is being deleted has been ~~stricken out~~. **See the case file for all of the proposed text changes.**

RESPONSIBILITIES OF HEARING BODIES:

The Zoning Board of Appeals has the responsibility to make a recommendation on the request for a text amendment to the Zoning Ordinance. Please include in your consideration, your findings with respect to the standards specified in the Zoning Ordinance for amendments. The materials submitted and drafted by staff specifically address each of these zoning amendment standards.

CONCLUSION:

Staff has prepared the accompanying text amendments to the zoning ordinance for outdoor dining areas and has modified the code to allow outdoor dining areas as permitted uses rather than special use permits. If the Zoning Board of Appeals concurs with these revisions and is of the opinion that the requirements for a text amendment have been met, I would request that a recommendation to approve these text amendment changes be made in accordance with the accompanying zoning amendment factors. This recommendation will then be forwarded to the Village Board for further review, deliberation, and discussion.

Respectfully Submitted,



Rebecca Von Drasek
Village Planner

Chapter 7

BUSINESS DISTRICTS

13-7-1: PURPOSE:

13-7-2: TWO OR MORE USES ON A LOT:

13-7-3: SCOPE:

13-7-4: PERFORMANCE STANDARDS:

13-7-5: TRUCK PARKING:

13-7-1: PURPOSE:

The business districts provide for groupings of business and other nonresidential establishments in accordance with their compatibility, functions and scope of service. The regulations of the various business districts are designed to govern developments ranging from the local shopping areas serving primarily residents of the village to those which serve the region. (Ord. G-60, 3-22-1966; Ord. G-514, 7-13-1993)

13-7-2: TWO OR MORE USES ON A LOT:

Wherever two (2) or more permitted uses or special uses, each requiring a minimum lot area, are located in the same building or on the same lot, the required minimum lot area shall be the sum of the areas required for each use individually. When one or more uses has a required minimum lot area, the total lot area shall equal the sum of the required lot areas plus an additional area equivalent to that devoted to the use which does not have a required minimum lot area. (Ord. G-60, 3-22-1966; Ord. G-514, 7-13-1993)

13-7-3: SCOPE:

- A. All business establishments shall be retail trade or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced, except for approved specialty retail programs in outdoor areas of a shopping center in districts where permitted as a special use.
- B. All business, service, storage, merchandise, display and where permitted, repair and processing shall be conducted wholly within a completely enclosed building except for:
1. Off street automobile parking, off street loading, and open sales lots and drive-in facilities in districts where they are permitted;
 2. Outdoor dining areas adjacent to restaurants ~~in districts where outdoor dining areas are a~~ permitted ~~as a special~~ use;
 3. Approved specialty retail programs in outdoor areas of a shopping center in districts where permitted as a special use;
 4. Outdoor sales events on a property in any business district provided that all of the following conditions are met:

- a. Such event shall be of a limited duration (14 days or less per event) occurring no more than two (2) times in any calendar year; and
 - b. Such event is held in a temporary enclosure that received all required permits from the village; and
 - c. Such event offers for sale only items that are normally sold inside the building in conformity with the principal use of the subject property; and
 - d. Such event conforms to all signage and setback requirements of the underlying zoning district; and
 - e. The property complies with all parking requirements of the underlying district, or, in the alternative, the petitioner reasonably demonstrates that notwithstanding any temporary noncompliance, the conduct of the event will not impose any undue traffic or parking burden on surrounding properties and streets; and
 - f. Such event is approved by the village board of trustees upon petition or request from the property owner detailing prospective compliance with the conditions herein; and
5. Farmers' markets and/or French markets involving the sale of flowers, culinary accessories and edible items for consumption off the premises where the sale is made in districts where permitted as a special use.

C. Goods sold shall consist primarily of new merchandise, except for antique shops. (Ord. G-60, 3-22-1966; Ord. G-572, 6-11-1996; Ord. G-721, 6-10-2003; Ord. G-870, 9-9-2008; Ord. G-915, 1-12-2010)

13-7-4: PERFORMANCE STANDARDS:

All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products, shall conform with the performance standards established for the ORA office-research-assembly districts¹. (Ord. G-60, 3-22-1966)

13-7-5: TRUCK PARKING:

Trucks in excess of one and one-half (1^{1/2}) tons' capacity used in conjunction with the operations of any use permitted in business districts shall not be parked in the open within one hundred fifty feet (150') of a residence district boundary line, except during normal business hours. (Ord. G-60, 3-22-1966)

13-7-6: OUTDOOR DINING AREAS:

- A. For the purposes of this section, "outdoor dining areas" are defined as the use of an adjacent, outside area by a restaurant for the same eating and drinking activities that occur within an establishment.
- B. The following regulations shall apply to outdoor dining areas:

1. The location of any outdoor dining area comply with all setback requirements in the applicable zoning district and shall not obstruct pedestrian or vehicular traffic. A minimum of five feet (5') of sidewalk clearance shall be maintained at all times for pedestrian travel;
2. Any outdoor dining area be under the direct supervision and control of the principal restaurant, and such dining area be enclosed by a fence or other barrier which shall be constructed to clearly delineate the boundaries of the area and to protect the health and safety of restaurant patrons and the general public;
3. The hours of operation of any outdoor dining area be within the normal operating hours of the principal restaurant;
4. There shall be no live entertainment in the outdoor dining area;
5. Plans shall be provided delineating the location of the outdoor dining area, and such location be approved by the Building Official as part of a building permit. The outdoor dining area shall be maintained in compliance with the approved plans;
6. The principal restaurant and outdoor dining area shall be in compliance with all the requirements of this code and all other applicable rules and regulations of any other governing agency including the DuPage County Health Department regarding restaurant and outdoor dining areas;

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) See section [13-10-3](#) of this title.

ARTICLE A. B1 LOCAL SHOPPING CENTER DISTRICT



13-7A-1: PERMITTED USES:

13-7A-2: SPECIAL USES:

13-7A-3: LOT AREA REQUIREMENTS:

13-7A-4: ADDITIONAL REGULATIONS:

13-7A-1: PERMITTED USES:

Accessory uses and structures, including, but not limited to, off street loading, off street parking and business signs.

Antique shops.

Audio and video equipment, retail sales thereof, including components and related accessories, installation and servicing of such products in motor vehicles and conducted entirely within an enclosed structure with service entry at the rear of the building with no overnight parking.

Bakeries, where not more than thirty percent (30%) of the floor area is devoted to processing.

Banks and financial institutions.

Barbershops and beauty parlors.

Book and stationery stores.

Camera and photographic supply stores and photographic studios.

Candy and ice cream stores.

Clinics, medical and dental, including accessory laboratories.

Drugstores.

Dry cleaning and laundry retail establishments; provided that processing, if done on the premises, shall utilize nonexplosive and nonflammable materials, and that such processing shall be limited to service of the principal use.

Fire stations.

Florist shops.

Food stores including grocery stores, meat markets and delicatessens.

Gift shops.

Haberdasheries.

Hardware stores.

Health clubs.

Hobby, toy and game shops provided amusement arcades are not permitted.

Home decorating stores.

Home furniture and furnishings stores.

Housewares stores.

Jewelry stores, including watch, clock and jewelry repair.

Launderettes, including automatic self-service dry cleaning equipment.

Libraries, branch.

Liquor stores with a minimum of ten thousand (10,000) square feet of retail space.

Luggage and leather goods stores.

Men's and women's accessory and specialty stores.

Music stores.

Offices: business, professional and public.

Optical goods stores.

Police stations.

Post offices.

Restaurants, including cocktail lounges [and outdoor dining areas \(as described in 13-7-6 of this Code\)](#).

Schools: Commercial, business, trade, music and dance subject to the conditions that the permitted use is limited to second floor space of any building where a school is located and that the use is limited to a maximum of ten percent (10%) of the total square footage of the shopping center in which it is located provided that adequate parking is provided to accommodate such use.

Shoe stores.

Sporting goods stores.

Temporary buildings, for construction purposes for a period not to exceed ninety (90) days following completion of the development.

Travel bureaus and transportation ticket offices.

Variety stores.

Wearing apparel shops. (Ord. G-60, 3-22-1966; Ord. G-444, 2-13-1990; Ord. G-778, 4-26-2005; Ord. G-835, 9-25-2007; Ord. G-901, 10-13-2009; Ord. G-1023, 5-13-2014)

13-7A-2: SPECIAL USES:

Accessory uses and structures, including, but not limited to, off street parking and off street loading spaces and business signs.

Automobile service stations, on lots not less than twenty thousand (20,000) square feet.

Clubs, lodges, fraternities and community centers on lots not less than twenty thousand (20,000) square feet.

Daycare center, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the police department.

Drive-in banking facilities.

Farmers' markets and/or French markets involving the sale of flowers, culinary accessories and edible items for consumption off the premises where the sale is made provided that the following conditions are met:

- A. Sale of used or preowned items is not permitted.
- B. Farmers' market and/or French market may be conducted no more than one day per week on any property zoned for business purposes.
- C. All signage and setback requirements of the underlying zoning district must be met.
- D. The property on which the farmers' market and/or French market is conducted complies with all the parking requirements of the underlying zoning district or, in the alternative, the petitioner demonstrates that notwithstanding any temporary noncompliance, the conduct of the event will not impose any undue traffic or parking burden on surrounding properties and streets; and
- E. The farmers' market and/or French market is approved by the department of community development upon application and submittal of all required information from the property owner detailing prospective compliance with the conditions herein.

Multi-family age-restricted dwellings, provided that the following conditions, in addition to those set forth in Zoning Ordinance Section [13-14-9](#), are met:

- A. The petitioner must provide the Village with an analysis of the proposed development's anticipated impact on emergency services, including, without limitation, the anticipated cost of providing those services. In accordance with Section [1-14-1\(B\)](#), all costs incurred by the Village reviewing the petitioner's analysis, including the costs of professional consultants, shall be borne by the petitioner;
- B. The petitioner must provide the Village with a plan addressing how emergency service calls will be handled, including, without limitation, how the petitioner will assist the Village in handling the provision and/or cost of emergency services that are specifically and uniquely attributable to the proposed development, so as to protect the public health, safety, and welfare; and

C. The petitioner must provide the Village with a market study addressing the demand for the proposed development. The market study must take into account the local and county demand for the proposed development.

Office supply stores.

~~Outdoor dining areas adjacent to restaurants.~~

Public utility, governmental service and transportation uses:

Bus turnarounds and passenger shelters.

Electric distribution centers and substations.

Gas regulator stations.

Sewage and stormwater lift stations.

Telephone exchanges and transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs.

Restaurants and accessory cocktail lounges, without facilities for dancing and live entertainment, on lots not less than two hundred feet (200') in width and not less than one and one-half (1¹/₂) acres in area.

Senior housing and nursing homes on lots not less than three hundred feet (300') in width and not less than two (2) acres in area. (Ord. G-60, 3-22-1966; Ord. G-454, 10-9-1990; Ord. G-513, 6-22-1993; Ord. G-556, 7-11-1995; Ord. G-835, 9-25-2007; Ord. G-903, 11-10-2009; Ord. G-915, 1-12-2010; Ord. S-1559, 2-12-2019)

ARTICLE B. B2 REGIONAL SHOPPING CENTER DISTRICT

13-7B-1: PERMITTED USES:

13-7B-2: SPECIAL USES:

13-7B-3: LOT AREA REQUIREMENTS:

13-7B-4: ADDITIONAL REGULATIONS:

13-7B-1: PERMITTED USES:

Accessory uses and structures, including but not limited to storage and service areas within the structures, garages for delivery trucks, central heating and air conditioning plants, and storage areas, yards, shops and similar facilities that are used solely for operating, servicing or maintaining the activities and improvements within the district.

Art galleries.

Automobile service stations and automobile sales, including show rooms, electric powering stations, fulfillment centers.

Banks and other financial institutions.

Barbershops, beauty parlors, and other aesthetic and personal wellness services, including but not limited to salons and spas.

Bus depots, cab stands, and pick-up/drop-off areas for ride-sharing services.

Candy, ice cream and bakery shops, and other shops selling food products, including but not limited to grocery stores, specialty food stores, butchers, delicatessens, health food stores, with or without accessory catering services, where the commodities may be produced on the premises; but all such production shall be either sold at retail on the premises or sold in stores owned and operated by the producing company.

Drugstores, pharmacies, and stores selling medical devices and homeopathic or herbal remedies (but not including medical cannabis dispensaries).

Electronic data storage.

Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.

Gas regulator stations.

Hospitals, having not more than ten (10) beds and first-aid stations for the treatment of emergency cases, and outpatient medical and aesthetic service facilities and uses, including but not limited to medical and dental offices and clinics, rehabilitative exercise and training centers, cosmetic surgery services, physical therapy, massage, and chiropractic services.

Hotels.

Hybrid uses. While commercial occupants in the B2 District may operate a single principal use with one or more accessory uses, other commercial occupants may have business operations that are or become a hybrid of multiple principal uses of significant and possibly equal importance. The following are provided by way of example and not limitation:

- A. Restaurants, cocktail lounges and tearooms, coffee houses, banquet facilities, micro-wineries, micro-breweries, micro-distilleries and other businesses offering the sale of food and beverage may be combined with retail, catering, event planning, musical performances and karaoke, dance floors, bowling, bocce, pool and billiards, ping pong and similar table games, arcade games, outdoor dining areas (as described in 13-7-6) and other forms of service, entertainment and recreation.
- B. Retail stores and shops, including department stores, may operate and offer related and complementary on-site uses and services (including but not limited to repair services, internet purchase fulfillment services, restaurant and food service, classes, indoor special events and entertainment) and off-site services (including but not limited to event planning, catering and interior design).
- C. Gyms, health clubs and other physical wellness facilities may be paired with restaurant and retail uses and offer nutritional and health classes, personal training and counseling, aesthetic services, and chiropractic, physical therapy, massage, medical services, including blood draws.

Interior decorating shops.

Job printing shops.

Laundries, dyeing and cleaning establishments, operated as an accessory use to some other use or uses permitted by this section, provided permits for the use of combustible and flammable materials, if to be used, are obtained from the Board of Trustees.

Laundries, self-service, and shops for the collection and distribution of laundry and dry cleaning articles.

Messenger and telephone service stations.

Offices.

Pet shops, grooming services, and veterinary clinics.

Photographer, artist or similar studios.

Post offices.

Printing plants, newspaper, magazine and similar publications.

Public and private garages.

Radio and television broadcasting stations.

Restaurants, cocktail lounges and tearooms, coffee houses, banquet facilities, micro-wineries, micro-breweries, outdoor dining areas (as described in 13-7-6), and other businesses offering the sale of food and beverage (but not including micro-distilleries). ~~Only the following two (2) accessory uses to restaurants shall be permitted outdoors without special use approval: a) outdoor dining areas~~

~~that are within a regional shopping center of at least fifty (50) acres and are completely separated from public rights-of-way by enclosed buildings; and b) Vertical and rooftop gardens that produce fruits, flowers and vegetables for on premises consumption and use.~~

Retail stores and shops, including department stores.

Sales and display rooms.

Schools, studios, classrooms, facilities and activities for personal or interactive learning, physical wellness and cultural enrichment, including but not limited to colleges, universities and test preparation services, art and craft classes, yoga and Pilates studios, gyms and physical fitness facilities, after-school programs for children, day camps, venues providing interactive entertainment and educational programming for children, and activity centers for seniors and adult learning. Structures for physical wellness uses are permitted to include, by way of example and not limitation, indoor and outdoor exercise and participant sports facilities, swimming pools, playgrounds, and climbing walls.

Service, cleaning and repair shops, for personal, household or garden equipment.

Tailor or dressmaking shops, and similar repair services.

Theaters, except open air drive-in establishments. (Ord. G-1112, 9-26-2017)

13-7B-2: SPECIAL USES:

Amusement establishments that are not expressly listed as a permitted use under section [13-7B-1](#) of this article, such as spectator sports facilities, and are not otherwise prohibited by Village ordinance.

Automobile test drive areas that are designated exclusively as such and involve construction of specific physical improvements (as opposed to automobile testing within multi-functional vehicular areas).

Community centers that do not qualify as a permitted use under section [13-7B-1](#) of this article.

Daycare center, provided such facility complies with all licensing requirements of the State and maintains a direct alarm hookup to the Police Department.

Drive-in banking facility.

Electric distribution centers and substations.

Farmers' markets and/or French markets involving the sale of flowers, culinary accessories and edible items provided that the following conditions are met:

- A. Sale of used or pre-owned items is not permitted unless allowed in the special use approval ordinance.
- B. Farmers' market and/or French market may be conducted no more than one day per week unless otherwise allowed in the special use approval ordinance.
- C. All signage and setback requirements of the underlying zoning district must be met.

- D. The property on which the farmers' market and/or French market is conducted complies with all the parking requirements of the underlying zoning district or, in the alternative, the petitioner demonstrates that notwithstanding any temporary noncompliance, the conduct of the event will not impose any undue traffic or parking burden on surrounding properties and streets; and
- E. The farmers' market and/or French market is approved by the Department of Community Development upon application and submittal of all required information from the property owner detailing prospective compliance with the conditions herein.

Micro-distilleries.

~~Outdoor dining areas adjacent to restaurants and~~ specialty retail programs that do not qualify as a permitted use under section [13-7B-1](#) of this article.

Pre-schools, including nursery schools and kindergartens.

Public utility, governmental service, and transportation uses:

Bus turnarounds and passenger shelters.

Fire and police stations.

Sewage and stormwater lift stations.

Telephone exchanges and transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs.

Specialty retail programs in outdoor areas of a shopping center as a convenience to pedestrian shoppers, provided: a) all aspects of the operation and sales meet the applicable requirements of the DuPage County Health Department; and b) specialty retail program facilities have appropriate utilities provided, are not convenient to drive-up businesses, and do not materially interfere with access to or visibility of other establishments within the shopping center.

Wireless communication towers. (Ord. G-1112, 9-26-2017)

ARTICLE C. B3 GENERAL BUSINESS DISTRICT

13-7C-1: PERMITTED USES:

13-7C-2: SPECIAL USES:

13-7C-3: LOT AREA REQUIREMENTS:

13-7C-4: ADDITIONAL REGULATIONS:

13-7C-1: PERMITTED USES:

Accessory uses and structures.

Animal hospitals and veterinarian offices.

Art galleries.

Auction rooms.

Automobile accessory stores.

Automobile sales establishments.

Automobile service stations.

Banks and other financial institutions.

Bicycle stores, sales, rental and repair.

Blueprinting and photocopying establishments.

Building material sales, not including outside storage.

Camera and photographic supply stores.

Carpet and rug stores.

Cartage and express facilities; provided storage of goods, motor trucks or other equipment is in a completely enclosed building.

Catering establishments.

China and glassware stores.

Clinics, medical and dental, including accessory laboratories.

Clothes pressing establishments.

Clothing stores.

Clothing and costume rental shops.

Clubs, lodges and fraternal organizations.

Cocktail lounges.

Coin and philatelic stores.

Department stores.

Drug stores.

Dry cleaning and laundry retail establishments; provided, that processing, if done on the premises, shall utilize nonexplosive, nonflammable materials, that such processing shall be limited to service of the principal use.

Electrical, gas and other household appliance stores, including radio and television sales and accessory repair and service thereof.

Electric distribution centers and substations.

Employment agencies.

Exhibition halls.

Fire stations.

Food stores, including grocery stores, meat markets and delicatessens.

Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.

Furrier shops, including the incidental storage and conditioning of furs.

Garages, public, where body repair and painting are incidental accessory uses, but not including automobile wrecking yards.

Garages, storage.

Garden supply and seed stores.

Gas regulator stations.

Greenhouses and conservatories.

Hobby shops, for retailing of items to be assembled or used away from the premises.

Interior decorating shops, including upholstery and making of draperies, slipcovers and other similar articles when conducted as part of the retail operation and secondary to the principal use.

Jewelry stores, including watch repair.

Job printing shops, using presses having beds of not more than fourteen inches by twenty inches (14" x 20").

Kennels, with no outdoor dog runs.

Laboratories, medical, dental or optical.

Leather goods and luggage stores.

Libraries.

Liquor stores, retail sales of package goods only.

Loan offices.

Locksmith shops.

Mail order service stores.

Millinery shops.

Music stores, sheet music and phonograph record sales.

Musical instrument sales and repair.

Offices.

Office supply stores.

Opticians and optometrists.

Orthopedic and medical appliance stores, not including the assembly or manufacture of such articles.

Paint and wallpaper stores.

Parking lots, for passenger motor vehicles only.

Pet service, domestic.

Pet shops.

Photography studios, including developing and printing of photographs, when conducted on the premises as a part of the retail business.

Physical culture and health service, gymnasiums, reducing salons, massage salons and public baths.

Picture framing, when conducted on the premises for retail trade.

Plumbing, heating, air conditioning and electrical fixtures and equipment, showroom and shops, for domestic use only.

Police stations.

Radio and television service and repair shops.

Recording studios.

Recreational buildings, community centers and meeting halls.

Religious institutions, churches, chapels, temples or synagogues.

Restaurants, including musical entertainment/dancing, and outdoor dining areas (as described in 13-7-6).

Schools, commercial or trade, provided that operations do not involve danger of fire, explosion, nor objectionable standards of noise, vibration, smoke, dust, odor, glare, heat or other nuisances.

Sewing machine sales and services, household machines only.

Shoe and hat repair stores.

Shoe stores.

Sporting goods stores.

Tailor shops.

Taxidermists.

Telegraph offices.

Theaters, indoor.

Tobacco shops.

Toy shops.

Travel bureaus and transportation ticket offices.

Typewriter and adding machine sales and service establishments.

Undertaking establishments and funeral parlors. (Ord. G-60, 3-22-1966; Ord. G-520, 8-24-1993)

13-7C-2: SPECIAL USES:  

Accessory uses and structures, including, but not limited to, off street parking and off street loading spaces and business signs.

Amusement establishments, including bowling alleys, gymnasiums, swimming pools and skating rinks.

Automobile minimarket.

Daycare center, provided such facility complies with all licensing requirements of the state of Illinois and maintains a direct alarm hookup to the Oak Brook police department.

Drive-in establishments for permitted uses.

Farmers' markets and/or French markets involving the sale of flowers, culinary accessories and edible items for consumption off the premises where the sale is made provided that the following conditions are met:

- A. Sale of used or preowned items is not permitted.
- B. Farmers' market and/or French market may be conducted no more than one day per week on any property zoned for business purposes.
- C. All signage and setback requirements of the underlying zoning district must be met.
- D. The property on which the farmers' market and/or French market is conducted complies with all the parking requirements of the underlying zoning district or, in the alternative, the petitioner demonstrates that notwithstanding any temporary noncompliance, the conduct of the event will not impose any undue traffic or parking burden on surrounding properties and streets; and
- E. The farmers' market and/or French market is approved by the department of community development upon application and submittal of all required information from the property owner detailing prospective compliance with the conditions herein.

Horse stables and riding academies, public, on a lot not less than ten (10) acres in area, provided buildings containing stables and accessory outdoor facilities are not less than one hundred fifty feet (150') from the nearest lot line.

Nursing homes, on lots not less than three hundred feet (300') in width and not less than two (2) acres in area.

Open sales lots, when accessory to new automobile, trailer or boat sales establishments.

~~Outdoor dining areas adjacent to restaurants.~~

Public utility, governmental service and transportation uses.

Bus turnarounds and passenger shelters.

Sewage and stormwater lift stations.

Telephone exchanges and transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs.

Recreation, outdoor, par 3 and miniature golf courses, golf driving ranges, swimming and tennis clubs, and other outdoor recreation uses as approved by the village board of trustees.

Senior housing.

Trailer or boat sales establishments, for new trailer or boat sales. (Ord. G-60, 3-22-1966; Ord. G-305, 9-8-1981; Ord. G-449, 8-14-1990; Ord. G-454, 10-9-1990; Ord. G-819, 12-12-2006; Ord. G-903, 11-10-2009; Ord. G-915, 1-12-2010)

ARTICLE D. B4 HOTEL-OFFICE DISTRICT

13-7D-1: PERMITTED USES:

13-7D-2: SPECIAL USES:

13-7D-3: LOT AREA REQUIREMENTS:

13-7D-4: ADDITIONAL REGULATIONS:

13-7D-1: PERMITTED USES:

Accessory uses and structures including:

Restaurants, and accessory cocktail lounges, and outdoor dining areas (as described in 13-7-6) in a structure which is used principally for a permitted use, and when located on floors below those used for the principal use or on the top floor or roof of such a structure.

Retail sales and personal service uses, having no exterior advertising and accessible only from the lobby and interior of a building and used for a permitted principal use and when no single establishment occupies more than two thousand (2,000) square feet of floor area.

Electric distribution centers and substations.

Gas regulator stations.

Hotels and motels (minimum of 50 rooms).

Offices, institutional and fraternal.

Sewage and stormwater lift stations.

Telephone exchanges and transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs. (Ord. G-60, 3-22-1966)

13-7D-2: SPECIAL USES:

Accessory uses and structures.

Bus turnarounds and passenger shelters.

Daycare center, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the Oak Brook police department.

Farmers' markets and/or French markets involving the sale of flowers, culinary accessories and edible items for consumption off the premises where the sale is made provided that the following conditions are met:

A. Sale of used or preowned items is not permitted.

- B. Farmers' market and/or French market may be conducted no more than one day per week on any property zoned for business purposes.
- C. All signage and setback requirements of the underlying zoning district must be met.
- D. The property on which the farmers' market and/or French market is conducted complies with all the parking requirements of the underlying zoning district or, in the alternative, the petitioner demonstrates that notwithstanding any temporary noncompliance, the conduct of the event will not impose any undue traffic or parking burden on surrounding properties and streets; and
- E. The farmers' market and/or French market is approved by the department of community development upon application and submittal of all required information from the property owner detailing prospective compliance with the conditions herein.

Offices, business and professional, occupying less than fifty percent (50%) of the total floor area of a structure over five (5) stories in height, and when located on floors below those used for dwelling purposes.

Sewage and stormwater lift stations.

Water filtration plants, wells, pumping stations and reservoirs. (Ord. G-60, 3-22-1966; Ord. G-454, 10-9-1990; Ord. G-915, 1-12-2010)

Chapter 10

OFFICE-RESEARCH-ASSEMBLY DISTRICTS

13-10-1: PROHIBITED USES:

13-10-2: USES ENCLOSED:

13-10-3: PERFORMANCE STANDARDS:

13-10-1: PROHIBITED USES:

A. Industrial: No lot shall be used, and no structure shall be erected, altered or remodeled for any of the following uses: abattoirs; arsenals; crematories; creosote treatment or manufacture; fat rendering; fertilizer manufacture; fireworks manufacture or storage; dumping or reduction of garbage, dead animals, offal, or refuse; ore reduction; petroleum processing or refining; pyroxylin manufacture; gutta percha manufacture or treatment; saltworks; sauerkraut manufacture; smelters; stockyard or slaughter of or experimentation with animals or fowl; tallow, grease, or lard manufacture or treatment; tanning, curing, or storage of rawhides or skins; tar distillation or manufacture; cement, concrete, or asphaltic concrete, mortar or plaster batch mixing plants; or junkyard or other uses having operations that are deemed by the board of trustees to be incompatible with the intended environmental character of the ORA office-research-assembly district, except clinical testing of animals of the rodent family or domesticated fowl is permitted if conducted within a separate room or rooms not to exceed two thousand (2,000) square feet of gross floor area which is part of a building used for research.

B. Explosives: No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the village. Such materials shall include, but shall not be confined to, all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN and pectic acid, propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles, perchloric acids; perchlorates, chlorates, hydrogen peroxide in concentrations greater than thirty five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239. (Ord. G-60, 3-22-1966; Ord. G-119, 5-12-1970)

13-10-2: USES ENCLOSED:

All business, service, research, merchandise display and manufacturing activities and operations shall be conducted wholly within completely enclosed buildings except off street parking, off street loading, outdoor dining areas adjacent to restaurants and open sales lots and drive-in facilities in districts where they are permitted. (Ord. G-60, 3-22-1966; Ord. G-758, 8-24-2004)

13-10-3: PERFORMANCE STANDARDS:

Any use established in the ORA1, ORA2 or ORA3 office-research-assembly districts shall be operated so as to comply with the performance standard regulations prescribed in this section, and

no use lawfully established on the effective date hereof shall be hereafter altered or modified so as to conflict with, or further conflict with, such performance standards.

A. Noise: See section [13-3-10](#) of this title for performance standards pertaining to sound levels.

B. Vibration: Any operation or activity which shall cause at any time and at any point beyond the boundaries of the lot, earthborne vibrations other than background vibrations produced by some source not under control of this chapter, such as the operation of motor vehicles or other transportation facilities in excess of the limits set forth in the following column I is prohibited. In addition, any operation or activity which shall cause at any time and at any point in a residence district earthborne vibrations in excess of the limits set forth in the following column II is prohibited. Vibration shall be expressed as displacement in inches and shall be measured with a three (3) component measuring system approved by the director of community development.

Frequency In Cycles Per Second	I Displacement In Inches	II Displacement In Inches
0 to 10	0.0008	0.0004
10 to 20	0.0005	0.0002
20 to 30	0.0002	0.0001
30 to 40	0.0002	0.0001
40 and over	0.0001	0.0001

Impact vibrations which are discrete pulses that do not exceed one hundred (100) impulses per minute shall be permitted twice the displacements shown above in columns I and II.

C. Smoke And Particulate Matter:

1. The emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
2. For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann chart described in the bureau of mines information circular 6888 shall be employed. The emission of smoke or particulate matter of a density or equivalent greater than no. 1 on the Ringelmann chart is prohibited at all times except as otherwise provided hereinafter.
3. The emission of smoke or particulate matter of a density greater than Ringelmann no. 3 is permitted once in any twenty four (24) hour day for no more than three (3) minutes.
4. Wind generated dust from such sources as storage areas, yards, roads, and so forth, within lot boundaries shall be minimized by appropriate landscaping or all weather paving.
5. The emission of particulate matter from any chimney, stack, or vent shall not exceed one-fourth ($1/4$) pound per hour per acre of lot area.

D. Toxic Matter: No use shall discharge beyond the boundaries of the lot toxic matter in such concentrations as to be detrimental to, or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

E. Odors: The emission of odorous matter in excess of the odor threshold measured beyond the boundaries of the lot at ground level or at habitable elevation is prohibited.

F. Fire And Explosion Hazard:

1. The storage, utilization, or manufacture of solid materials ranging from incombustible to moderate burning is permitted.
2. The storage or utilization of solid materials ranging from free or active burning to intense burning is permitted provided the following conditions are met:
 - a. The materials shall be stored or utilized within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the village and the National Fire Protection Association.
 - b. All such buildings shall be set back at least forty feet (40') from all lot lines or, in lieu thereof, shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the village and the National Fire Protection Association.
 - c. Said materials, if stored outdoors, shall be no closer than one hundred fifty feet (150') to the nearest lot line in conformance with the standards and regulations of the village and the National Fire Protection Association.
3. The storage or utilization of flammable liquids or materials which produce flammable or explosive vapors shall be permitted in accordance with the following limitations, exclusive of storage in underground tanks, and storage of finished products in original sealed containers:
 - a. Said materials or products shall be stored or utilized within completely enclosed buildings having incombustible exterior walls, and handled in accordance with the standards and regulations of the village and the National Fire Protection Association and, in addition, all such buildings shall be set back at least forty feet (40') from all lot lines and shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the village and the National Fire Protection Association.
 - b. The aboveground storage of flammable liquids in excess of the following quantities shall not be permitted:

<u>Closed Cup Flash Point</u>	<u>Quantity (Gallons)</u>
Less than 24°F	1,000
24°F to less than 105°F	2,000

105°F to less than 187°F	5,000
187°F and higher	10,000

c. The total of all flammable liquids permitted on any lot shall not exceed ten thousand (10,000) gallons.

G. Glare And Heat: Any operation producing glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard beyond the boundaries of the lot.

H. Radiation Hazards:

1. The release of radioactive gases and particulate matter shall not exceed the maximum allowable concentration permitted the general population of applicable federal, state and local laws and regulations when measured at or beyond the lot line at ground level or habitable elevation.
2. No activity involving radiation hazards shall be permitted which causes exposure to persons at or beyond the lot lines in excess of the maximum allowable permitted the general population in applicable federal, state and local laws and regulations. (Ord. G-60, 3-22-1966; Ord. G-233, 5-31-1978; Ord. G-863, 7-22-2008)

13-10-4: OUTDOOR DINING AREAS:

A. For the purposes of this section, "outdoor dining areas" are defined as the use of an adjacent, outside area by a restaurant for the same eating and drinking activities that occur within an establishment.

B. The following regulations shall apply to outdoor dining areas:

1. The location of any outdoor dining area comply with all setback requirements in the applicable zoning district and shall not obstruct pedestrian or vehicular traffic. A minimum of five feet (5') of sidewalk clearance shall be maintained at all times for pedestrian travel;
2. Any outdoor dining area be under the direct supervision and control of the principal restaurant, and such dining area be enclosed by a fence or other barrier which shall be constructed to clearly delineate the boundaries of the area and to protect the health and safety of restaurant patrons and the general public;
3. The hours of operation of any outdoor dining area be within the normal operating hours of the principal restaurant;
4. There shall be no live entertainment in the outdoor dining area;
5. Plans shall be provided delineating the location of the outdoor dining area, and such location be approved by the Building Official as part of a building permit. The outdoor dining area shall be maintained in compliance with the approved plans;

6. The principal restaurant and outdoor dining area shall be in compliance with all the requirements of this code and all other applicable rules and regulations of any other governing agency including the DuPage County Health Department regarding restaurant and outdoor dining areas;

ARTICLE A. ORA1 OFFICE-RESEARCH-ASSEMBLY DISTRICT

13-10A-1: PERMITTED USES:

13-10A-2: SPECIAL USES:

13-10A-3: LOT AREA REQUIREMENTS:

13-10A-4: ADDITIONAL REGULATIONS:

13-10A-1: PERMITTED USES:

Accessory uses and structures, including storage and service areas within the structures, garages for delivery trucks, central heating and air conditioning plants, and storage areas, yards, shops and similar facilities that are used solely for operating, servicing or maintaining the activities and improvements within the lot on which the accessory use is located. Accessory uses and structures shall also include dwellings occupied by watchmen, janitors, maintenance and similar employees engaged upon the premises; but no dwellings shall be erected for any other purposes.

Any establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products, provided that operations conform with performance standards and other requirements of this title.

Churches, on lots not less than four (4) acres in area.

Electric distribution centers and substations.

Gas regulator stations.

Offices and financial institutions. (Ord. G-60, 3-22-1966)

13-10A-2: SPECIAL USES:

Clinics, medical and dental, including accessory laboratories.

Daycare centers, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the police department or other emergency dispatch center.

Drive-in banking facilities.

Health clubs, private, membership only, in multibuilding office complexes under single ownership or control on sites not less than ten (10) acres, when such facility is designed primarily for use by tenants of the office complex. Such structure shall not front on any perimeter road, and access thereto shall be provided only from interior roadways.

Heliports (not for freight) shall meet all of the standards as contained in subsection [13-10A-4C](#) of this article.

Hotels.

Parks and open field recreational activities.

Personal service and retail sales uses intended primarily for the use of tenants and having no exterior advertising and accessible only from the lobby or interior of the building, limited to:

Barbershops and beauty parlors.

Drugstores.

Newsstands; newspapers, magazines and other periodicals.

Tobacco shops.

Public utility, governmental service and transportation uses:

Bus turnarounds and passenger shelters.

Emergency warning system structures.

Fire and police stations.

Post office operated by the United States government.

Sewage and stormwater lift stations.

Telephone exchanges, transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs.

Radio and television stations and production studios.

Restaurants with accessory cocktail lounges, and outdoor dining areas, without facilities for dancing and live entertainment, in multibuilding office complexes under single ownership or control on sites not less than ten (10) acres, when such facility is designed primarily for use by tenants of the office complex. Such structure shall not front on any perimeter road, and access thereto shall be provided only from the interior roadways.

Schools, nonresidential, post baccalaureate school; provided, that not more than twenty percent (20%) of the course offerings may be prerequisite to admission to the post baccalaureate programs. (Ord. G-60, 3-22-1966; Ord. G-131, 5-25-1971; Ord. G-210, 2-8-1977; Ord. G-275, 1-20-1981; Ord. G-305, 9-8-1981; Ord. G-424, 1-24-1989; Ord. G-448, 7-10-1990; Ord. G-471, 8-13-1991; Ord. G-483, 3-10-1992; Ord. G-487, 5-12-1992; Ord. G-536, 7-12-1994; Ord. G-553, 3-14-1995; Ord. G-669, 1-23-2001; Ord. G-724, 7-22-2003; Ord. G-785, 6-28-2005)

ARTICLE B. ORA2 OFFICE-RESEARCH-ASSEMBLY DISTRICT

13-10B-1: PERMITTED USES:

13-10B-2: SPECIAL USES:

13-10B-3: LOT AREA REQUIREMENTS:

13-10B-4: ADDITIONAL REGULATIONS:

13-10B-1: PERMITTED USES:

Accessory uses and structures, including storage and service areas within the structures, garages for delivery trucks, off street parking, central heating and air conditioning plants, and storage areas, yards, shops, and similar facilities that are used solely for operating, servicing, or maintaining the activities and improvements within the district. Accessory structures and uses shall also include dwellings occupied by watchmen, janitors, maintenance and similar employees engaged upon the premises; but no dwelling shall be erected for any other purpose.

Permitted uses as allowed in the B2 regional shopping center district.

Permitted uses as allowed in the ORA1 office-research-assembly district. (Ord. G-60, 3-22-1966; Ord. G-758, 8-24-2004)

13-10B-2: SPECIAL USES:

Daycare centers, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the police department or other emergency dispatch center.

Drive-in establishments for retail banks and freestanding restaurants.

Heliports (not for freight) shall meet all of the standards as contained in subsection [13-10A-4C](#) of this chapter.

Nonresidential, postbaccalaureate schools.

~~Outdoor dining areas adjacent to restaurants.~~

Public utility, governmental service and transportation uses:

Bus turnarounds and passenger shelters.

Fire and police stations.

Sewage and stormwater lift stations.

Telephone exchanges, transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs. (Ord. G-980, 9-25-2012)

ARTICLE C. ORA3 OFFICE-RESEARCH-ASSEMBLY DISTRICT

13-10C-1: PURPOSE:

13-10C-2: PERMITTED USES:

13-10C-3: SPECIAL USES:

13-10C-4: LOT AREA REQUIREMENTS:

13-10C-5: ADDITIONAL REGULATIONS:

13-10C-6: PROCEDURES:

13-10C-1: PURPOSE:

The ORA3 district is designed to permit and encourage orderly and attractive site planning in accordance with an overall design which provides for the preservation of natural site qualities, a high proportion of open space, and an arrangement of land uses and physical features into a harmonious design compatible with the surrounding area. It is intended that an area may be classified as an ORA3 district only when the following conditions are met:

- A. Not less than fifty percent (50%) of the property shall be permanently devoted to open space which shall consist of planted areas (including planted surfaces of parking decks), forests, lagoons, watercourses, storm water swales and retention areas, pedestrian, bicycle, and bridle paths and walkways, with the maximum practicable retention of forests and other natural vegetation.
- B. All buildings and parking, and other structures to the extent practical, will be substantially screened from public view from public streets and streets privately owned and maintained in residential developments in accordance with a landscaping plan to be submitted for approval by the village.
- C. All roads and bridges will be retained in private ownership and constructed to meet village standards and maintained by the owner without cost to the village.
- D. All access to and from the property can be constructed and maintained so that substantially all traffic generated will use commercial thoroughfares. (Ord. G-60, 3-22-1966)

13-10C-2: PERMITTED USES:

The following are permitted uses within the ORA3 district, but only to the extent that each such use is in accordance with an approved development plan:

Accessory uses and structures including the following:

Central heating and air conditioning plants.

Daycare centers, provided such facility complies with all licensing requirements of the state and

maintains a direct alarm hookup to the police department or other emergency dispatch center.

Limited retail and service facilities.

Living quarters (not in separate residential buildings) solely for occupancy of watchmen, janitors, maintenance, and similar employees (and their families) employed in connection with the maintenance and security of the property and improvements thereon.

Lodging facilities (together with restaurant and accessory cocktail lounge) for the transient use of employees of the owner, its subsidiaries, affiliates, franchisees, and other business invitees.

Nonpublic meeting and conference facilities.

Private recreational use, such as tennis courts, putting greens, swimming pools, bowling alleys, racquetball courts, baseball diamonds, stables, bridle paths, and health facilities.

Public utility and transportation uses, such as:

Bus turnarounds and passenger shelters;

Electric distribution stations solely for serving the development;

Outdoor telephone booths;

Sewerage and storm water lift stations;

Wells and reservoirs.

Radio and television production studios.

Research and development facilities.

Storage, service, and maintenance buildings and areas.

Temporary buildings for construction purposes and construction equipment storage areas, for a period not to exceed thirty (30) days following completion of construction.

Hotels.

Office, business and professional; provided, however, that following completion of any phase and for five (5) years thereafter not more than thirty three percent (33%) of the office space shall be occupied by persons other than employees or business invitees of either: a) the owner, its successors or subsidiaries or affiliated corporations thereof, or joint venturers or partners of the owner; or b) tenants who are suppliers for or consultants to the owner.

Restaurants (which may include musical entertainment and dancing, cocktail lounges and tearooms), and outdoor dining areas (as described in 13-10-4). (Ord. G-60, 3-22-1966; Ord. G-447, 4-24-1990; Ord. G-558, 7-25-1995; Ord. G-696, 6-11-2002)

13-10C-3: SPECIAL USES:

Heliport (not for freight), shall meet all of the standards as contained in subsection [13-10A-4C](#) of this

chapter and may be located on a roof of a building of four (4) stories or less.

Not for profit, noncommercial performing and fine arts center.

Schools of music, fine arts, dance, theater, and other arts. (Ord. G-60, 3-22-1966; Ord. G-305, 9-8-1981)

ARTICLE D. O3 OFFICE DISTRICT

13-10D-1: PERMITTED USES:

13-10D-2: SPECIAL USES:

13-10D-3: LOT AREA REQUIREMENTS:

13-10D-4: ADDITIONAL REGULATIONS:

13-10D-1: PERMITTED USES:

Accessory uses and structures including:

Restaurants, **and** accessory cocktail lounges, and outdoor dining areas (as described in 13-10-4) in a structure over five (5) stories in height which is used principally for a permitted use, and when located on floors below those used for the principal use or on the top floor or roof of such structure.

Retail sales and personal service uses, having no exterior advertising and accessible only from the lobby and interior of a building (which is over 12 stories in height) and used for a permitted principal use and when no single establishment occupies more than two thousand (2,000) square feet of floor area.

Banks and financial institutions.

Electric distribution centers and substations.

Gas regulator station.

Offices. (Ord. G-60, 3-22-1966; Ord. G-842, 10-9-2007)

13-10D-2: SPECIAL USES:

Daycare center, provided such facility complies with all licensing requirements of the state and maintains a direct alarm hookup to the Oak Brook police department.

Heliports, not for freight, shall meet all of the standards as contained in subsection [13-10A-4C](#) of this chapter. Additionally, the operation of said heliport shall meet the performance standards as contained in section [13-10-3](#) of this chapter.

Hotel or combination office and hotel.

~~Outdoor dining areas adjacent to restaurants.~~

Public utility, governmental service and transportation uses.

Bus turnarounds and passenger shelters.

Emergency warning system structures.

Fire and police stations.

Sewage and storm water lift stations.

Telephone exchanges, transmission buildings and equipment, and outdoor telephone booths and pedestals.

Water filtration plants, wells, pumping stations and reservoirs. (Ord. G-60, 3-22-1966; Ord. G-454, 10-9-1990; Ord. G-483, 3-10-1992; Ord. G-747, 4-27-2004)

ARTICLE E. O4 OFFICE DISTRICT

13-10E-1: PERMITTED USES:

13-10E-2: SPECIAL USES:

13-10E-3: LOT AREA REQUIREMENTS:

13-10E-4: ADDITIONAL REGULATIONS:

13-10E-1: PERMITTED USES:

Accessory uses and structures including:

Restaurants ([including outdoor dining as described in Section 13-10-4](#)) and accessory cocktail lounges in a structure five (5) stories or more in height which is used principally for a permitted use, and when located on the ground or on floors below those used for the principal use or on the top floor or roof of such structure.

Retail sales and personal service uses when no single establishment occupies more than two thousand (2,000) square feet of floor area.

Buildings existing at the time of rezoning to O4 office district may be used for any of the uses permitted in the zoning district applicable to the property at the time of its rezoning; provided that in the event that: a) the structure is substantially damaged and the owner is not required by the lease or otherwise to restore the structure to its prior condition; or b) the structure is not occupied, used or leased for such purpose or purposes for a period of twelve (12) consecutive months, then its future use shall be limited to one or more of the uses permitted in this article, or, with the prior approval of the village board of trustees, to one or more of the special uses set forth in section [13-10E-2](#) of this article.

Electric distribution centers and substations.

Gas regulator station.

Office supply retail establishments.

Offices. (Ord. G-60, 3-22-1966)

13-10E-2: SPECIAL USES:

Daycare center, provided such facility complies with all licensing requirements of the state and maintains direct alarm hookup to the Oak Brook police department.

Health clubs, private, membership only, in multi-building office complexes under single ownership or control on sites not less than ten (10) acres. Such structure shall not front on any perimeter road, and access thereto shall be provided only from interior roadways.

Heliports, not for freight, shall meet all of the standards as contained in subsection [13-10A-4C](#) of this chapter. Additionally, the operation of said heliport shall meet the performance standards as contained in section [13-10-3](#) of this chapter.

Hotel or combination office and hotel.

Medical offices.

Mixed use development on properties not less than ten (10) acres in area subject to the following:

A. Authorized Uses:

1. Permitted; B1 District; Exceptions: All permitted uses authorized in the B1 local shopping center district, except that the following uses are not permitted:

Fire stations.

Launderettes, including automatic self-service dry cleaning equipment.

Libraries, branch.

Police stations.

2. Permitted; B-2 District; Exceptions: All permitted uses in the B-2 regional shopping center district, except that the following uses are not permitted:

Automobile service stations.

Electric distribution centers and substations.

Gas regulator stations.

Hospitals, having not more than ten (10) beds and first aid stations for the treatment of emergency cases.

Laundries, dyeing and cleaning establishments.

Laundries, self-service, and shops for the collection and distribution of laundry and dry cleaning articles.

Messenger and telephone service stations.

Printing plants, newspaper, magazine and similar publications.

Radio and television broadcasting stations.

Service, cleaning and repair shops, for personal, household or garden equipment.

3. Permitted; B-3 District; Exceptions: All permitted uses in the B-3 general business district, except that the following uses are not permitted:

Animal hospitals and veterinarian offices.

Automobile accessory stores.

Automobile service stations.

Building material sales, not including outside storage.

Cartage and express facilities.

Clothing pressing establishments.

Clubs, lodges and fraternal organizations.

Coin and philatelic stores.

Electric distribution centers and substations.

Employment agencies.

Exhibition halls.

Fire stations.

Garages, public, where body repair and painting are incidental accessory uses, but not including automobile wrecking yards.

Garages, storage.

Gas regulator stations.

Greenhouses and conservatories.

Kennels, with no outdoor dog runs.

Laboratories, medical, dental or optical.

Libraries.

Locksmith shops.

Mail order service stores.

Orthopedic and medical appliance stores.

Pet service, domestic.

Physical culture and health service, gymnasiums, reducing salons, massage salons and public baths.

Plumbing, heating, air conditioning and electrical fixtures and equipment, showroom and shops, for domestic use only.

Police stations.

Radio and television stations.

Recording studios.

Recreational buildings, community centers and meetings halls.

Religious institutions, churches, chapels, temples or synagogues.

Sewing machine sales and services.

Taxidermists.

Telegraph offices.

Typewriter and adding machine sales and service establishments.

Undertaking establishments and funeral parlors.

4. Special; B-1 District; Exceptions: All special uses authorized in the B-1 local shopping center district, except as specified in subsection A7 of this use.

5. Special; B-2 District; Exceptions: All special uses in the B-2 regional shopping center district, except as specified in subsection A7 of this use.

6. Special; B-3 District; Exceptions: All special uses in the B-3 general business district, except as specified in subsection A7 of this use.

7. Nonpermitted Uses: The following uses are not permitted, notwithstanding the provisions of the zoning regulations:

Amusement establishments, including gymnasiums, swimming pools and skating rinks.

Automobile minimarket.

Automobile service stations.

Clubs, lodges, fraternities and community centers.

Drive-in establishments for permitted uses.

Fire and police stations.

Gas regulator stations.

Horse stables and riding academies, public.

Nursing homes.

Open sales lots, when accessory to new automobile, trailer or boat sales establishments.

Recreation, outdoor, par 3 and miniature golf courses, golf driving ranges, swimming and tennis clubs, and other outdoor recreation uses as approved by the village board of trustees.

Water filtration plants, wells, pumping stations and reservoirs.

8. Additional Authorized Uses:

Bakeries, where not more than forty percent (40%) of the floor area is devoted to processing.

Barber shops and beauty parlors, day spas, tanning salons.

Clinics, medical, dental and optometric including accessory laboratories.

Drive-in and drive-through banking facilities.

Garden supply, retail.

Health clubs, including accessory uses such as daycare, spa services including tanning and salon, selling of goods including clothing, food, other items related to health and well being.

Indoor entertainment facilities, except for game rooms and pool rooms.

Offices: business, professional and public. Any such office use may also include a daycare center.

~~Outdoor dining areas adjacent to restaurants or other~~ Retail food products sales facilities.

Seasonal, portable carts serving only limited menu foods and/or beverage items in outdoor areas of a shopping center as a convenience to pedestrian shoppers, provided that: a) all aspects of the operation and sales meet the applicable requirements of the DuPage County health department; and b) cart locations have appropriate utilities provided, are not convenient to drive-up business, and do not materially interfere with access to or visibility of other establishments within the shopping center.

Single-family attached dwellings.

NOTICE IS HEREBY GIVEN that a public hearing before the Zoning Board of Appeals of the Village of Oak Brook, DuPage and Cook Counties, Illinois, will be held on Tuesday, March 3, 2020 at 7:00 p.m. in the Samuel E. Dean Board Room of the Butler Government Center, Village of Oak Brook, 1200 Oak Brook Road, (31st Street and Spring Road), Oak Brook, Illinois 60523 for the purpose of considering the application of the Village of Oak Brook, 1200 Oak Brook Road, Oak Brook, Illinois 60523 regarding a text amendment related to outdoor dining areas. Any such text amendment would be as provided for under Title 13 of the Zoning Ordinance of the Village of Oak Brook, Illinois. The Village of Oak Brook, petitioner has submitted an application seeking approval of a proposed text amendment to Title 13, the Zoning Regulations of the Village Code to consider adding and revising provisions related to outdoor dining areas. This will include amendments to the General Zoning Provisions and other related permitted and special use sections of the Zoning Regulations of the Village Code. The proposed text amendments were reviewed by the Plan Commission during its comprehensive review of the zoning regulations.

The petitioner's application including all supporting documents is on file with the Development Services Department. Persons wishing to examine the petition documents may arrange to do so with the Development Services Department, Village of Oak Brook, 1200 Oak Brook Road, Oak Brook, IL 60523, telephone 630-368-5106. In accord with the provisions of the American with Disabilities Act, any individual who is in need of a reasonable accommodation in order to participate in or benefit from attendance at this public meeting should contact the Butler Government Center (Village Hall), at 630-368-5010 as soon as possible before the meeting date or for TDD response (630) 990-2131 as soon as possible before the meeting date. Charlotte Pruss, Village Clerk

Published at the direction of the Corporate Authorities and the Zoning Board of Appeals of the Village of Oak Brook, DuPage and Cook Counties, Illinois.
Published in Daily Herald February 13, 2020 (4540586)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

DuPage County Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DuPage County DAILY HERALD**. That said **DuPage County DAILY HERALD** is a secular newspaper, published in Naperville and has been circulated daily in the Village(s) of:

Addison, Aurora, Bartlett, Bensenville, Bloomingdale, Carol Stream, Darien, Downers Grove, Elmhurst, Glen Ellyn, Glendale Heights, Hanover Park, Hinsdale, Itasca, Keeneyville, Lisle, Lombard, Medinah, Naperville, Oakbrook, Oakbrook Terrace, Plainfield, Roselle, Villa Park, Warrenville, West Chicago, Westmont, Wheaton, Willowbrook, Winfield, Wood Dale, Woodridge

County(ies) of DuPage

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DuPage County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 02/13/2020 in said DuPage County DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY *Danula Baltz*
Designee of the Publisher and Officer of the Daily Herald

Control # 4540586



VILLAGE OF
OAK BROOK
Illinois

**BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS 60523**

February 11, 2020

Dear Resident:

The Oak Brook Zoning Board of Appeals and the Village Board will be considering a Text Amendment at the meetings scheduled below in this notice.

The application has been filed by: Village of Oak Brook
1200 Oak Brook Road
Oak Brook, IL 60523

The petitioner, the Village of Oak Brook is proposing text amendments to the Zoning Regulations of the Village Code to consider adding and revising provisions related to outdoor dining areas. This will include amendments to the General Zoning Provisions and other related permitted and special use sections of the Zoning Regulations of the Village Code.

The proposed amendments were reviewed by the Plan Commission during its comprehensive review of the zoning regulations.

In accord with the provisions of the American with Disabilities Act, any individual who is in need of a reasonable accommodation in order to participate in or benefit from attendance at a public meeting of the Village of Oak Brook should contact the Butler Government Center (Village Hall), at 630-368-5010 as soon as possible before the meeting date or for TDD response (630) 990-2131 as soon as possible before the meeting date.

All meetings are held in the Butler Government Center of the Village of Oak Brook, located at 1200 Oak Brook Road (31st Street and Spring Road), Oak Brook, Illinois.

Zoning Board of Appeals** 7:00 p.m., Tuesday, March 3, 2020

Board of Trustees Meeting 7:00 p.m., Tuesday, March 24, 2020***

If you desire more detailed information, please contact the Development Services Department at 630-368-5106 between 8-4, Monday through Friday, with the exception of scheduled holidays.

Sincerely,

Tony Budzikowski, AICP
Director, Development Services Department

TB/gp

**Public Hearing Body

***Tentative – Follows the completion of the Zoning Board of Appeals public hearing



VILLAGE OF OAK BROOK Illinois

BUTLER GOVERNMENT CENTER
1200 OAK BROOK ROAD
OAK BROOK, ILLINOIS 60523

PETITION APPLICATION for PUBLIC HEARING

ZONING ORDINANCE: [] APPEAL (\$300) [] VARIATION (\$750)
[X] AMENDMENT (\$750) [] SPECIAL USE (\$750)
STORMWATER ORDINANCE: [] VARIATION (\$750)

PUBLIC HEARING SIGNS (\$50- each lot frontage) [] N/A - Enter Number of Street Frontages/Per Parcel

APPLICANT TO COMPLETE

NOTE: ALL APPLICATIONS ARE TO BE RECEIVED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT AND AFTER AN INITIAL REVIEW WILL BE FILED WITH THE VILLAGE CLERK.

LOCATION OF SUBJECT PROPERTY N/A PERMANENT PARCEL NO* - - -
LOT NO. N/A LEGAL ADDRESS* 1200 Oak Brook Road
ZONING DISTRICT N/A ZONING ORDINANCE SECTION Multiple Chapters relating to Outdoor Dining Areas
ACTION REQUESTED Text Amendment to the relevant sections of the Zoning Regulations relating to Outdoor Dining Areas

PROPERTY INTEREST OF APPLICANT: OWNER [X] CONTRACT PURCHASER AGENT
OWNER(S) OF RECORD N/A PHONE
ADDRESS CITY STATE ZIP
BENEFICIARY(IES) OF TRUST N/a PHONE
ADDRESS CITY STATE ZIP
NAME OF APPLICANT(and Billing Information) Village of Oak Brook Riccardo Ginex, Village Manager PHONE 630-368-5000
ADDRESS 1200 Oak Brook Road CITY Oak Brook STATE IL ZIP 60523

Contact Name and E-mail Address(s)

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief

Riccardo Ginex, Village Manager January 24, 2020 Date

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Filed January 24, 2020 Fee Paid \$ N/A Receipt No. N/A Received By Gail Polanek
Board of Trustees (Referral) N/A Notice Published February 13, 2020 Newspaper Daily Herald Adj. Property Owners Notified N/A
PUBLIC HEARING DATES: Plan Commission June 19, 2017 Zoning Board of Appeals March 3, 2020
Board of Trustees *March 24, 2020 Board of Trustees *April 14, 2020
SIGNED - VILLAGE CLERK Charlotte Pruss Date Jan 24, 2020 (Approval of Ordinance)

*Date Scheduled as it completes each Commission/Board

A

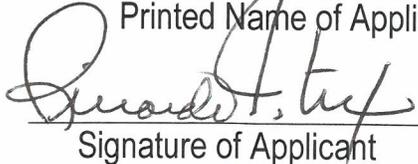
Certification Surrounding Property Owners

I (we) certify that the names and addresses of all the surrounding property owners including mailing labels submitted with this application are located within a minimum distance of 250 feet in all directions from the perimeter of the subject property and that the number of feet occupied by all public roads, streets, alleys, and public ways has been excluded in computing the 250-foot requirement.

Said names and addresses are as recorded in the office of the County Recorder of Deeds (or the Registrar of Titles of the County) and as appear from the authentic tax records of this County. The property owners as listed have been obtained from the Township Assessors office within 30 days of the filing of this application.

The surrounding property owners list as submitted herewith and supporting attachments are true to the best of my (our) knowledge and belief.

I (we) give permission to the Village to install public hearing sign(s) on the lot frontages of the subject property as described in the Village Code. In addition to the required application fees, applicant/owner agrees to reimburse the Village for publication costs, recording fees, and any other associated costs or fees within 30 days of billing.

Printed Name of Owner		Riccardo Ginex, Village Manager Printed Name of Applicant	
Signature of Owner	Date	 Signature of Applicant	Date
	1/24/2020		1/24/2020

BILL TO INFORMATION:

Village of Oak Brook Print Name/Company	Finance Department Contact Person	
1200 Oak Brook Road Address To be Billed	Oak Brook, IL 60523	
		Contact Phone Alternate Phone

NOTE: If the applicant/owner has not complied with these requirements and notification has not been sent to a neighboring property owner within the 250-foot requirement less than 10 days prior to the scheduled hearing, the hearing on this matter will be postponed to the next regular meeting, or until such time as all neighbors within the 250-foot requirement have been sent proper notification.

ZONING AMENDMENT FACTORS - Outdoor Dining Areas

- (a) The character of the neighborhood.

RESPONSE: The intent of the proposed text amendment is to allow outdoor dining areas adjacent to restaurants as a permitted use in the Village of Oak Brook, subject to conditions to protect the health, safety and well-being of the public.

- (b) The extent to which property values are diminished by the particular zoning restrictions;

RESPONSE: Currently all outdoor dining areas are a special use requiring a public meeting before the Plan Commission, the Zoning Board conducts a public hearing and then approval by the Village Board. It is a very long (90+ days) process and expensive for a use that has become a common place/usual amenity/element for most restaurants.

- (c) The extent to which the removal of the existing limitations would depreciate the value of other property in the area;

RESPONSE: The amendment will not depreciate the value of other properties as outdoor dining areas will be required to meet all other zoning and village code requirements, including the submittal of plans and approved building permit.

- (d) The suitability of the property for the zoned purposes.

RESPONSE: Same as item (c) above

- (e) The existing uses and zoning of nearby property.

RESPONSE: The text amendment as proposed will require that the outdoor dining areas will comply with all other Zoning Ordinance requirements.

- (f) The length of time under the existing zoning that the property has remained unimproved, considered in the context of land development;

RESPONSE: Not applicable.

- (g) The relative gain to the public as compared to the hardship imposed on the individual property owner;

RESPONSE: Outdoor dining areas have evolved into a standard amenity in most restaurants. The public has come to expect this desirable amenity during the limited outdoor season.

- (h) The extent to which the proposal promotes the health, safety, morals or general welfare of the public;

RESPONSE: The proposed amendment will require an approved permit for all outdoor dining areas and that the area is designed to protect the public health, safety and general well-being of the public.

(i) The relationship of the proposed use to the Comprehensive Plan; and

RESPONSE: Not Applicable.

(j) The community need for the use proposed by the property owner.

RESPONSE: The proposed amendment has been prepared with the intent and purpose to allow outdoor dining areas adjacent to restaurants as a permitted use in the Village of Oak Brook, subject to conditions to protect the public, health, safety and well-being and will eliminate the current lengthy public process which delays economic investment. It will allow the outdoor dining areas to be designed and approved at the time of the restaurant permitting process and not delay the limited seasonal use by the public.