

## ARTICLE 1. TITLE, PURPOSE, & APPLICABILITY

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### 1.1 TITLE

This Ordinance incorporates the Village of Oak Park Zoning Map and is known, cited, and referred to as the “Village of Oak Park Zoning Ordinance,” “Zoning Ordinance,” or “Ordinance.”

### 1.2 PURPOSE

The intent of this document is to establish zoning regulations to serve the Village of Oak Park, which may be cited as “the Village” or “Village.” Pursuant to the authority contained in Article VII of the Illinois Constitution of 1970, as amended, and in the Illinois Compiled Statutes, this Zoning Ordinance is adopted for the following purposes:

- A. To promote and protect the public health, safety, and welfare.
- B. To secure adequate light, air, privacy, and convenience of access to property.
- C. To promote the orderly development of Oak Park in accordance with the Comprehensive Plan.
- D. To protect the character and maintain the stability of the Village’s residential and non-residential areas.
- E. To divide the Village into zoning districts, according to use of land and structures, height and bulk of structures, intensity of use of the lot, or other classification, as deemed best suited to carry out the purposes of this Ordinance.
- F. To set reasonable standards to which structures must conform.
- G. To prohibit uses or structures incompatible with the character of development within specified zoning districts.
- H. To protect against fire, explosions, noxious fumes, and other dangers.
- I. To provide for the gradual elimination of nonconformities.
- J. To define and limit the powers and duties of the administrative officers and bodies as provided in this Ordinance.
- K. To prescribe penalties for the violation of and methods for the enforcement of the provisions of this Ordinance.

### 1.3 APPLICABILITY

#### A. Territorial Application

This Ordinance applies to all land, uses, and structures within the corporate limits of the Village.

#### B. General Application

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

#### C. Required Conformance

Any part or whole of a structure must be erected, constructed, reconstructed, moved, and enlarged in conformance with the requirements of this Ordinance. Any structure or land must be used and occupied in conformance with the requirements of this Ordinance.

#### D. Relation to Private Agreements

This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls. The Village will not enforce any private agreement or covenant.

**E. Relation to Other Laws and Regulations**

Unless otherwise specifically provided, this Ordinance controls over less restrictive Village statutes, ordinances, or regulations, and more Village restrictive statutes, ordinances, or regulations control over the provisions of this Ordinance.

**F. Rules of Ordinance Construction**

1. This Ordinance contains graphics in order to assist the user in understanding and applying the Ordinance. However, where there is any inconsistency between the text of this Ordinance and any such graphics, the text controls unless otherwise specifically stated.
2. This Ordinance contains cross-references in order to assist the user in understanding and applying the Ordinance. However, where there is an inconsistency between the cross-reference and the actual reference intended, the Zoning Administrator will make the determination of the correct reference.

**1.4 TRANSITION RULES****A. Existing Uses**

1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance, that use is deemed a special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Ordinance for special uses.
2. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is deemed a permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Ordinance requirements for such permitted use and is no longer subject to the special use ordinance under which it was originally approved.
3. If a structure or land is used in a manner that was classified as permitted or special use prior to the effective date of this Ordinance, but this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 15.

**B. Structures Rendered Nonconforming**

If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 15.

**C. Lots Rendered Nonconforming**

If a lot of record existing on the effective date of this Ordinance was a conforming lot before the effective date of this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot of record and is controlled by the provisions of Article 15.

**D. Previously Issued Building Permits**

If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an certificate of occupancy for the use originally intended. However, such structure will be considered a nonconforming structure if it does not meet all standards set forth in this Ordinance in the zoning district in which it is located and is controlled by the provisions of Article 15.

**E. Previously Granted Variations**

All variations granted prior to the effective date of this Ordinance remain in full force and effect, unless such variation is no longer needed after the effective date. The recipient of the variation may proceed to develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the variation before the approval expires, including any approved periods of extension, then the provisions of this Ordinance govern.

**F. Previously Granted Special Uses**

1. All special uses granted prior to the effective date of this Ordinance, but where the use has not yet commenced, remain in full force and effect. The recipient of the special use may proceed to use the property in accordance with the approved plans and all applicable conditions.
2. However, if the special use becomes a permitted use in the district as of the effective date, such special use approval is no longer needed.
3. If the recipient has failed to act on the special use before the approval expires, including any approved periods of extension, then the provisions of this Ordinance govern.

**G. Pending Applications**

1. A zoning application that has been deemed complete by the Zoning Administrator and has been scheduled for a public hearing or meeting, as applicable, is subject to the Ordinance requirements in effect on the date the application was deemed complete.
2. A building permit that has been submitted and deemed complete by the Zoning Administrator is subject to the Ordinance requirements in effect on the date the application was deemed complete.

**1.5 SEVERABILITY**

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.