



## Legislation Text

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**File #:** 14-0374, **Version:** 1

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### **PROPOSED ORDINANCE AMENDMENT**

#### **FOREST PRESERVE LANDS AND PROPERTY**

Amending the Forest Preserve District of Cook County (the “Preserves”) code of ordinances to facilitate the ability of owners of residential property adjacent to land owned by the Preserves to obtain a license to allow them to continue to maintain building or other structures on land owned by the Preserves under certain very limited circumstances.

**BE IT ORDAINED** , by the Forest Preserve District of Cook County Board of Commissioners, that Title 2 - Forest Preserve Lands and Property, Chapter 3 - Trespass and Use of Property, Section 1 - Erection and Ownership of Structures of the Forest Preserve District of Cook County Code is hereby amended as Follows:

#### **Chapter 3 -Trespass and Use of Property.**

2-3-1: ERECTION AND OWNERSHIP OF STRUCTURES.

2-3-2: DESTRUCTION OF PROPERTY.

2-3-3: GOODS AND VEHICLES AS OBSTRUCTIONS.

2-3-4: OBSTRUCTING USE OF PREMISES.

2-3-5: DUMPING GARBAGE; LITTERING.

2-3-6: SIGNS AND BILLBOARDS.

2-3-7: ABANDONED MOTOR VEHICLES.

2-3-8: GLASS BEVERAGE CONTAINER ORDINANCE.

2-3-9: PENALTY.

2-3-1: ERECTION AND OWNERSHIP OF STRUCTURES.

A. Permit to Erect; License to Use: No person shall stage any equipment or erect, construct or maintain any fence, building or other structure within the Forest Preserve District, or assert any right to the exclusive use and occupancy of any structure or any portion of said structure, without first having obtained a permit in writing from the District for the staging of equipment, or erection, construction or maintenance of such fence, building or other structure, or a license for the use and occupancy of such property. Where private property, located adjacent to property of the Forest Preserve District, benefits from an unlawful fence, building or other structure within the Forest Preserve District, described in this Chapter, there shall be a rebuttable presumption that the owner of the private property is responsible for the erection, construction or maintenance of the unlawful fence, building or other structure.

B. Structures on Property of District; Authority: Any fence, building or other structure erected, whether lawfully or unlawfully, shall immediately become the property of the Forest Preserve District, and the use or tenancy of

any structure or land may be terminated at any time when, in the discretion of the District, it is in the best interests of the public and of the Forest Preserve District to so terminate such use or tenancy. Any such structure, whether erected lawfully or unlawfully, may be removed or destroyed by the Forest Preserve District, unless otherwise provided in said permit or license.

C. Unless otherwise approved by the Board, any permit issued pursuant to this section shall at a minimum include a fee based upon a per day square footage use as calculated from the annual cost per acre fee for licenses as stated in Title 5 Chapter 2 of this Code.

D. Residential Land Use License - Extreme Hardship: Upon receipt of a citation for violating the provisions of this Section, the owner of a residential parcel of real estate, on which a significant building or structure was erected that encroaches on land owned or controlled by the District, may apply to the District for a limited, non-assignable, renewable license to allow the building or structure to remain on land owned or controlled by the District for up to ten (10) years under the following circumstances: (1) the owner complies with the land use licensing requirements of Title 5, Chapter 2, Article A of the District's Code of Ordinances (except for the application fee, which shall not be required, referenced in Section 5-2A-1); (2) the encroaching building or structure was not erected by the current owner seeking such license and the encroaching building or structure was erected prior to the current owner's acquisition of the relevant adjacent parcel to which the encroaching building or structure has been associated; (3) the owner provides proof, as shall be determined by the General Superintendent or his designee, that immediate removal of the building or other structure would result in a undue hardship; (4) the owner agrees to remove or tear down the encroaching building or structure prior to, or in connection with, the sale or transfer of the relevant adjacent property.

**Effective date:** This ordinance shall be in effect immediately upon adoption.